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Government Publications

THE

MUNICIPAL ORDINANCE

OF THE

NORTH-WEST TERRITORIES

Being Chapter 70 of the Consolidated Ordinances 1898 as amended by Chapter 15 of the Ordinances of 1899, Chapter 23 of the Ordinances of 1900, Chapter 23 of the Ordinances of 1901, Chapter 9 of the Ordinances of 1902, Chapters 18 and 19 of the Ordinances of 1903 (First Session) and Chapter 22 of the Ordinances of 1903 (Second Session).

HIS HONOUR

AMEDEE EMMANUEL FORGET

Lieutenant Governor

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CHAPTER 70.

An Ordinance respecting Municipalities.

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The Municipal Ordinance.*" No. 8 of 1897, s. 1. Short title

INTERPRETATION.

2. Unless otherwise declared or indicated by the context, whenever any of the following expressions occur in this Ordinance the meanings hereinafter expressed shall attach to the same, namely: Interpretation clauses

1. "Municipality" means any locality the inhabitants of which are incorporated a rural municipality or town; "Municipality"

2. "Council" means the municipal council; "Council"

3. "Mayor" means the head of the council of a town municipality and "reeve" means the head of the council of a rural municipality or the person filling for the time being the position of mayor or reeve; "Mayor" "Reeve"

4. "Land," "real property" and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land and all machinery or other things so fixed to any buildings as to form in law part of the realty and all mines, minerals, quarries, fossils in and under the same except mines belonging to Her Majesty: "Land," etc.

5. "Personal estate" and "personal property" include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, income and all other property except land and real estate and real property as above defined and except property herein expressly exempted; "Personal estate," etc.

6. "Elector" means any person entitled for the time being to vote at any municipal election or in respect of any bylaw in the municipality or polling subdivision as the case may be; "Elector"

7. "Owner" or "proprietor" means any person who has the ownership or use of any taxable property or has an agreement for purchase of the same; "Owner" "Proprietor"

8. "Householder" means the occupier of a house but shall not mean or include any person who is a mere lodger or boarder in a house; "Householder"

9. "Occupant" means a person who possesses, holds or occupies any land under any title whatsoever or even without "Occupant"

title or is occupying lands of the Crown under any style of location, agreement or tenure whatever;

"Lot" 10. "Lot" means one of the subdivisions into which a piece or parcel of land has been divided into smaller parcels for purposes of sale, including the buildings and other improvements thereon;

"Revised assessment roll" 11. "Revised assessment roll" means the assessment roll as finally passed by the court of revision and certified by the clerk, notwithstanding that an appeal to a judge in respect thereof may be pending and after the decision of any such appeal the said expression shall mean the said roll with any amendments made thereto by the judge;

"Taxable person" 12. "Taxable person" means—

(*a*) Any person receiving an annual income or the owner of any personal property not exempted from taxation;

(*b*) The owner of lands not exempt from taxation where the same are occupied by the owner or unoccupied, otherwise the occupant;

"Judge" 13. "Judge" means a judge of the Supreme Court of the North-West Territories;

"Highway" "Road" "Bridge" 14. "Highway," "road" or "bridge" means a public highway, road or bridge respectively;

"Drainage" 15. "Drainage" shall be held to include and to have always included sewerage and sewage;

"Resident" 16. "Resident" shall mean a person residing within the limits of the municipality. No. 8 of 1897, s. 2; No. 26 of 1898, s. 1 (1, 2).

Part I.

Municipal Organisation.

THE BODY CORPORATE.

General rights and obligations of municipalities

3. Every municipality in the North-West Territories is hereby declared a body corporate and subject to all the liabilities of a corporation with full power to acquire, hold and alienate both real and personal estate for all municipal purposes and by the same name they and their successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law and in equity whatsoever: and they shall have a common seal with power to alter and modify the same at their pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property real or movable for the use of said municipality and of becoming parties to any contracts or agreements in the management of the affairs of the said municipality. No. 8 of 1897, s. 3; No. 26 of 1898, s. 1 (3).

Existing council, officers, etc., continued hereunder

4. The head and members of the council and the officers, bylaws, contracts, property, assets and liabilities of every municipal corporation when this Ordinance takes effect shall be deemed the head and members of the council and all bylaws, contracts, property, assets and liabilities of such council or municipal corporation shall be subject to the provisions of this Ordinance. No. 8 of 1897, s. 4; No. 26 of 1898, s. 1 (4).

Town municipalities

5. In the case of towns the name of the body corporate shall be "The Town of (*naming the same*)." No. 8 of 1897, s. 5.

Rural municipalities

6. In the case of rural municipalities the name of the body corporate shall be "The municipality of (*naming the same*)." No. 8 of 1897, s. 6.

Town councils

7. The council of every town shall consist of the mayor, who shall be the head thereof, and six councillors. No. 8 of 1897, s. 7.

Rural municipal councils

8. The council of every rural municipality shall consist of a reeve and four councillors.

(2) Should for any reason any municipality be or become insufficiently represented as required respectively by this Ordinance the Lieutenant Governor in Council may make such appointments for office as shall fill the requirements of sections 7 and 8 of this Ordinance. No. 8 of 1897, s. 8.

ELECTIONS.

Qualifications of mayors,

9. The persons eligible for election as mayors, reeves and councillors shall be natural born or naturalised subjects of Her

reeves, councillors

Majesty and males of the full age of twenty-one years able to read and write, not subject to any disqualification under this Ordinance and qualified as follows:

(*a*) In towns, being resident within the municipality or within two miles of the limits of the municipality, the owner at the time of the election of freehold, leasehold or partly freehold and partly leasehold real estate rated in their own names on the last revised assesment roll of the municipality to at least the value following, over and above all charges, liens, and encumbrances affecting the same: freehold $500, leasehold $1,500.

(*b*) In rural municipalities, being resident within the municipality and the owner at the time of the election of real estate of not less than $400 within the municipality rated in their own names on the last revised assessment roll of the municipality. No. 8 of 1897, ss. 9, 10, 11.

Persons disqualified for councillors

10. No judge of any court of civil jurisdiction, no gaoler or keeper of any house of correction, no sheriff, deputy sheriff, sheriff's bailiff or constable in any town, no assessor, secretary-treasurer or other paid official of the municipality, no bailiff, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the corporation or being indebted to the municipality, and no surety for an officer or an employee of the municipality, and no person who shall have been convicted of treason or an offence punishable with death or imprisonment for more than five years in any court of law within Her Majesty's dominions, shall be qualified to be a member of the council of any municipality.

Shareholders not disqualified

(2) No person shall be held to be disqualified from being elected a member of the council of any municipality by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipality or by having a lease of twenty-one years or upwards of any property from the municipality; but no such leaseholder shall vote in the council on any question affecting any lease from the municipality and no such shareholder on any question affecting the company. No. 8 of 1897, s. 12; No. 26 of 1898, s. 1 (5).

Voters' list

11. The secretary-treasurer shall on or before the first day of September in each year prepare a voters' list which shall be an alphabetical list of electors and which shall comprise the names of those persons duly qualified to vote at municipal elections in the municipality and shall post the same in a conspicuous place in his office; such list shall contain opposite the name of each elector a short description of the real property in respect of which he is entitled to vote or if on personalty or income the words "personalty" or "income" as the case may be. No. 8 of 1897, s. 50; No. 26 of 1898, s. 1 (13).

Application

12. Any person who has been resident in the municipality

in the then current year prior to the first day of July and who is otherwise duly qualified whose name does not appear on the voters' list or who is not assessed on the roll high enough to be qualified as a voter or whose name is put down in error or whose name has been omitted from the last revised assessment roll (provided that the taxes are first paid on the property or income in respect of which he claims a vote) may either by himself or agent apply to have the list amended upon giving to the clerk a notice in the following form: to be placed on voters' list

To the secretary of the municipality of

Take notice that I intend applying to the council to have my name added to the voters' list (*or* corrected *as the case may be*) for the following reasons (*here state the grounds according to the facts*):

(*Signature of applicant*)
Applicant.

Or

(*Name of applicant.*)
Applicant by his agent.
(*Signature of agent.*)
No. 8 of 1897, s. 51.

13. If any person qualified as a voter on income has left the municipality or if a person has disposed of the property for which he was qualified as a voter under this Ordinance before the first day of October in the then current year or if any person's name is wrongfully put down he shall be deemed disqualified as a voter and any person duly qualified may apply to the council to have the name of the party so or otherwise disqualified struck off the voters' list and the name of the proper party if any substituted therefor by notice to the secretary-treasurer of his intention of applying to the council for that purpose as provided in the preceding section. No. 8 of 1897, s. 52. Names to be taken off list

14. Notices served upon the secretary-treasurer under the two preceding sections shall be served in each year on or before the first day of November. No. 8 of 1897, s. 53. Notice

15. On or before the fifth day of November the secretary-treasurer shall make a list of all applicants for amendments to the voters' list, stating names and grounds of each of such applications and shall post the same in a conspicuous place in his office and shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications. No. 8 of 1897, s. 54. List for court of revision

16. On or before the fifteenth day of November in each year the council of each municipality shall meet as a final court of revision on the voters' list and shall hear and determine all applications of which notice has been given to the secretary-treasurer as hereinbefore provided and thereupon amend the voters' list in all cases provided for by sections 12 and 13 Date of revision

hereof as may be deemed fit and right and the list so amended shall be the voters' list of the municipality for the year next ensuing. No. 8 of 1897, s. 55.

Court of revision

17. The council sitting as a final court of revision on the voters' list as aforesaid shall have all the powers and privileges conferred by this Ordinance upon the court of revision for the municipality sitting upon the assessment roll, as to the attendance of witnesses and the imposition and recovery of penalties and as to procedure. No. 8 of 1897, s. 56.

Annual elections

18. The council shall at least one week prior to the last Monday in November, by bylaw, appoint a returning officer for the municipality, define the districts or subdivisions within the municipality (if such are deemed necessary) and the place or places where the votes are to be polled, and appoint a deputy returning officer for each of the said places where such votes are to be polled.

Qualification of voters

(2) The persons qualified to vote shall be the men, unmarried women and widows over twenty-one years of age who are assessed upon the last revised assessment roll of the municipality for income or personal property for $200 or upwards or who are named upon the said assessment roll as either occupants or owners of real property held in their own right or (in the case of married men) held by their wives for $200 or upwards and whose names appear in the voters' list founded upon such roll:

Proviso as to nonpayment of taxes

Provided always that a municipality may, by bylaw, declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to such municipality either for the current year or all arrears of taxes or both. No. 8 of 1897, s. 13.

Defaulter's list

19. In the municipalities which have passed a bylaw under the provisions of the proviso to the next preceding section on or before the day of nomination of candidates the secretary-treasurer shall prepare and verify on oath a correct alphabetical list of the names of all persons who have not complied with the terms of any such bylaw, such list to be called "the defaulters' list."

(2) Any person named in such defaulters' list may vote if at the time of tendering his vote he produces and leaves with the officer holding such election a certificate from the secretary-treasurer of the municipality showing that the taxes (in respect of which default has been made) have been paid; and such officer shall file such certificate, receive the vote and note the same on the defaulters' list. No. 8 of 1897, ss. 14, 15: No. 26 of 1898, s. 1 (6, 7).

Oath of election officers

20. Every returning officer, deputy returning officer, poll clerk, candidate or agent authorised to be present at any polling place shall, before exercising any of the functions of such returning officer, deputy returning officer, poll clerk, candidate or agent at any polling place, take and subscribe

before a justice of the peace or the clerk of the municipality an oath in form as follows:

I, *A.B.*, do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the municipality of on the day of A.D. 1 ; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God. No. 8 of 1897, s. 16.

Election notice

21. The returning officer shall, by notice in form A in the schedule to this Ordinance, posted up in ten conspicuous places within the municipality and at least six days previous to such meeting, call a meeting of the electors within the same on the first Monday in December for the purpose of nominating candidates for the offices of mayor or reeve and as many councillors as may be required for the term commencing on the first day of January next ensuing. No. 8 of 1897, s. 17.

Nomination proceedings

22. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified persons to serve as mayor, reeve or councillor; and the meeting shall remain open until noon when if the number of duly qualified persons nominated to serve as mayor, reeve or councillors for the municipality does not exceed the requisite number the returning officer shall declare the persons so nominated duly elected, as hereafter provided:

Term of service

1. As mayor or reeve for the ensuing year, the candidate duly nominated for that office;

2. As councillors, at the first election the three candidates in town municipalities and the two candidates in rural municipalities who shall have been first nominated shall be declared elected for the two years next ensuing and the three candidates in town municipalities and the two candidates in rural municipalities who shall have been next nominated shall be declared elected for the next ensuing year and at each election thereafter councillors shall be elected for a term of two years;

Written consent

Provided always that every nomination for mayor, reeve or councillor shall be accompanied by a written consent from the person named in each nomination to accept the office if elected. No. 8 of 1897, s. 18; No. 26 of 1898, s. 1 (8).

Poll declared

23. In the event of more than the required number of such persons being nominated for the municipality the returning officer shall declare that a poll will be held in such municipality and name the time (which shall be the same day of the week as the nomination in the next following week), the place

and the deputy returning officer or deputy returning officers, as the case may be, appointed to hold the same and the time and place where the result of such poll shall be declared. No. 8 of 1897, s. 19.

Election notices

24. Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination cause to be posted up in at least ten conspicuous places within the municipality a notice in form B in the schedule to this Ordinance. No. 8 of 1897, s. 20.

Candidates may withdraw

25. Any candidate nominated may withdraw at any time after nomination and before the close of the poll on polling day by filing with the returning officer or deputy returning officer a declaration in writing to that effect signed by himself in the presence of the returning officer or deputy returning officer, a justice of the peace or a notary public and any votes cast for any such candidate shall be null and void. No. 8 of 1897, s. 21.

Hours of polling

26 The poll shall be kept open from nine o'clock (standard time) in the afternoon until five o'clock (standard time) in the afternoon of the same day. No 8 of 1897, s. 22.

Agent of candidate

27. Any person producing to the deputy returning officer at any time a written authority to represent a candidate as agent at a polling place shall be recognised as such by the deputy returning officer. No. 8 of 1897, s. 23.

Direction for voting

28. Every elector who is entitled to a vote in more than one polling subdivision shall vote for mayor in towns and for reeve in rural municipalities at the polling place or polling subdivision in which he is resident if qualified to vote therein; or when he is a non-resident or is not entitled to vote in the polling subdivision where he resides then where he first votes and there only.

Penalty for voting twice

(2) Any person who votes for mayor or reeve after having already voted for mayor or reeve at some other polling place at that election shall incur a penalty of $50 to be recovered with full costs of suit by any person who will sue for the same in any court having jurisdiction where the offence was committed and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections.

Evidence of voting

(3) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. No. 8 of 1897, s. 24.

Oaths

29. At the request of any candidate or his agent or of any elector the following oath shall be administered to any person tendering his vote at such election:

You do solemnly swear that you are the person named or purporting to be named by the name of on the voters' list now shown to you; that you have not before

voted at this election; and that you have not received or been promised any consideration whatsoever for voting at this election and (*if the municipality has passed a bylaw requiring all persons to have paid their taxes to entitle them to vote*) that you have paid all taxes in arrear due by you to the municipality of ; that you are the full age of twenty one years; (*if a woman* that you are unmarried or a widow). No. 8 of 1897. s. 25.

Poll clerk Powers and duties

30. Every deputy returning officer may by writing under his hand appoint a poll clerk who in the absence of such deputy returning officer or on his failure or inability to fulfil the duties required of him by this Ordinance shall have all the powers of such deputy returning officer. No. 8 of 1897, s. 26.

Ballot

31. The votes at all elections shall be given by ballot in manner hereinafter set forth. No. 8 of 1897, s. 27.

Form of ballot

32. Every ballot paper shall contain the names of the candidates alphabetically arranged and all ballot papers shall be in form C in the schedule to this Ordinance. No. 8 of 1897, s. 28.

R.O. shall procure ballots and boxes

33. The returning officer shall procure or cause to be procured as many ballot boxes as there are polling subdivisions in the municipality and cause to be printed a sufficient number of ballot papers for the purposes of the election. No. 8 of 1897, s. 29.

Delivery of ballot boxes

34. The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer. No. 8 of 1897, s. 30.

Ballots to be delivered

35. The returning officer shall before the poll is opened cause to be delivered to every deputy returning officer the ballot papers, materials for marking the ballot papers and a sufficient number of printed directions for voting in form D in the schedule to this Ordinance. No. 8 of 1897, s. 31.

Voters' list

36. The secretary-treasurer of the municipality shall supply to each deputy returning officer before the opening of the poll a voters' list in form E in the schedule to this Ordinance, containing the names of all the electors at that polling subdivision and a copy of the defaulters' list if any as provided in section 19 of this Ordinance. No. 8 of 1897, s. 32; No. 26 of 1898, s. 1 (9).

Polling booth

37. Every deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation, and may appoint a constable to maintain order at the polling place. No. 8 of 1897, s. 33.

Proceedings at opening of poll

38. Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such

persons as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of the ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the poll. No. 8 of 1897, s. 34.

Conduct of poll

39. Proceedings at the poll shall be as follows:

Use of voters' list

1. On a person presenting himself for the purpose of voting the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered upon the voters' list of his polling division;

Entry when oath is taken

2. If such person take the oath or affirmation prescribed by this Ordinance the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the voters' list "sworn." or "affirmed," according to the fact;

Entry when oath is not taken

3. When such person as aforesaid has been required to take the oath or affirmation prescribed by this Ordinance and refuses to take the same the deputy returning officer shall cause to be entered in the proper column of the voters' list opposite the name of such person the words "refused to be sworn" or "refused to affirm," according to the fact;

Consequence of refusal of oath

4. No person who has refused to take the oath or affirmation prescribed by this Ordinance when requested so to do shall receive a ballot paper or be admitted to vote;

Entry when vote is objected to

5. When the vote is objected to the deputy returning officer shall cause to be entered in the proper column of the voters' list opposite the voters' name the words "objected to" and shall add thereto the name of the candidate by whom or on behalf of whom the objection is made;

Ballot paper to be given to voter

6. After the proper entries respecting a person claiming to vote have been made in the voters' list in the manner prescribed the deputy returning officer shall stamp or sign his initials upon the back of the ballot paper and shall deliver the same to such person:

Explanations may be made

7. The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter, as concisely as possible, the mode of voting;

Voters' list to be marked

8. The deputy returning officer shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper;

Only one voter to vote at a time

9. Only one person claiming to be entitled to vote shall be allowed at a time in the apartment where the election is held;

Method of voting

10. Each person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the name of the candidate or candidates for whom he desires to vote; he shall then fold the ballot paper so as to conceal the names of the candidates and the marks on the face of the paper but so as to expose the initials of the deputy returning

officer and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person for or against whom he has voted, deliver the same to the deputy returning officer who shall without unfolding it verify his initials and at once deposit it in the ballot box in the presence of all other persons entitled to be and then present in the polling place ;

Voter to be alone when marking ballot

11. While any voter is in the compartment for the purpose of marking his ballot paper no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper except as hereinafter provided ;

Where voter is unable to mark his ballot

12. In case any elector states he is unable to mark his ballot paper—

(*a*) The deputy returning officer shall in the presence of the candidates or their agents present, if required by any candidate or agent, administer an oath to such elector that he is unable to mark his ballot paper and shall then cause the vote of such elector to be marked as he directs and shall then place the same in the ballot box ; and

(*b*) The deputy returning officer shall state in the voters' list opposite the name of such elector in the column for remarks, the fact that the ballot paper was marked by him at the request of the voter and why ;

Where ballot paper is spoiled

13. Any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may on returning the same to the deputy returning officer and proving the fact to him obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so returned the word "cancelled" and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided ;

Persons declining to vote

14. Any person who has received a ballot paper and who leaves the polling place without delivering the same to the deputy returning officer in the manner provided or if, after receiving the same, refuses to vote shall forfeit his right to vote at the election then pending and the deputy returning officer then shall make an entry in the voters' list, opposite the name of such person in the column for remarks, that such person received the ballot paper and did not return the same or that the person returned the ballot paper and declined to vote, in which latter case the deputy returning officer shall mark upon the face of the ballot paper the word "declined," and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided;

Persons who may vote in other polling divisions than those they belong to

15. Any deputy returning officer, candidate, agent or poll clerk who belongs to a polling division other than the one in which he is performing the duties of such, may vote at the polling station where he is so engaged provided he produces a

certificate from the secretary-treasurer of the municipality that he is a qualified voter within the same, and the deputy returning officer shall attach such certificate to the voters' list. No. 8 of 1897, s. 35.

Close of poll

40. Immediately after the close of the poll the deputy returning officer shall in the presence of the poll clerk, if there be one, and such of the candidates with their agents (of whom there shall not be more than two for any candidate) as may be present, open the ballot box and proceed as follows:

1. He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the elector is entitled to give or on which anything appears by which the voter can be identified and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all candidates for the said office:

2. Take a note of any objection made by any candidate or his agent to any ballot paper found in the ballot box and decide on any question arising out of the objection:

3. Number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" as the case may be, with his initials,

4. Count the votes given for each candidate from the ballot papers not rejected, and make a written statement of the number of votes given to each candidate and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such other persons authorised to be present, as may desire to sign the same;

5. The deputy returning officer shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed and make up into separate packets—

(*a*) The statement of votes given for each candidate and of the rejected ballot papers:

(*b*) The used ballot papers which have not been objected to but which have been counted:

(*c*) The ballot papers which have been objected to but which have been counted;

(*d*) The rejected ballot papers;

(*e*) The declined and cancelled ballot papers;

(*f*) The voters' list and, if any, the defaulters' list;

which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto and marked on the outside with a memorandum designating their respective contents, shall by the deputy returning officer be transmitted forthwith to the returning officer;

6. Before returning the said poll book to the returning officer the deputy returning officer shall make and subscribe before

such returning officer or a justice of the peace or the poll clerk an affidavit in the form following this subsection; which affidavit shall thereafter be annexed to the poll book and such poll book and declaration may be inspected at any time in the presence of the returning officer by any elector of the municipality:

I *C.D.* the undersigned, deputy returning officer for ward (*or* polling subdivision) No. of the town (*or* rural municipality *as the case may be*) of do swear (*or if he is a person permitted by law to affirm* do affirm) that to the best of my knowledge the poll book used in and for the said ward (*or* polling subdivision) No. of the said town (*or* rural municipality *as the case may be*) of was so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

Sworn (*or* affirmed) before me at , this day of , A.D. 1
X.Y.,
Justice of the Peace.

C.D.,
Deputy Returning Officer.

Or

Returning officer of the town (*or* rural municipality *as the case may be*) of

7. Every deputy returning officer upon being requested to do so, shall give to the persons authorised to attend at his polling place, a certificate showing the total number of votes cast at his polling place for each candidate and the number of rejected ballot papers. No. 8 of 1897, s. 36; No. 26 of 1898, s. 1 (10, 11).

Final count and declaration

41. At the time and place fixed for declaring the result of the election the returning officer shall open the packet containing the statement of the number of votes given for each candidate and shall publicly declare elected the candidate or candidates as hereinafter provided and shall deliver or forward to each candidate a certificate of his election showing the total number of votes cast for each candidate and those declared elected by him—

1. As mayor or reeve for the ensuing year, the candidate receiving the highest number of votes;

2. As councillors, at the first election the three candidates in town municipalities and the two candidates in rural municipalities who have received the highest number of votes shall be declared elected for the two years next ensuing and the three candidates in town municipalities and the two candidates in rural municipalities who have received the next highest number of votes shall be declared elected for the next ensuing year and at each election thereafter the councillors receiving the highest number of votes shall be declared elected for a term of two years.

(2) In case it appears that two or more of the candidates have an equal number of votes the returning officer shall at

the time he declares the result of the poll give a vote for one or more of such candidates so as to decide the election and except in such case the returning officer shall not vote. No. 8 of 1897, s. 37.

Disposal of ballot boxes

42. After the election the ballot boxes, packets and returns shall be transmitted to the secretary-treasurer of the municipality and the secretary-treasurer shall be responsible for their safe keeping and for their delivery when required. No. 8 of 1897, s. 38.

Destruction of ballots

43. The secretary-treasurer of the municipality having retained for three months all ballot and other papers transmitted to him as aforesaid shall then destroy the same unless otherwise ordered by the Supreme Court or a judge thereof. No. 8 of 1897, s. 39; No. 26 of 1898, s. 1 (12).

Returning officer

44. The secretary-treasurer of the municipality shall, unless otherwise directed by bylaw of the council, be returning officer of the municipality; and any returning officer may exercise and perform the powers and duties of a deputy returning officer at any one polling place in the municipality to be selected by such returning officer or as directed by the council. No. 8 of 1897, s. 40.

Ballots may not be inspected

45. No person shall be allowed to inspect any ballot papers or other documents or papers other than the voters' list used at an election, in the hands of the secretary-treasurer, except under the order of the court or judge as aforesaid which order shall state the time and place for inspecting such papers and name the persons to be present thereat. No. 8 of 1897, s. 41.

Expenses

46. All reasonable expenses incurred at any election under this Ordinance shall be paid by the municipality upon production of accounts verified as the council of said municipality may direct. No. 8 of 1897, s. 42.

ELECTION OF SCHOOL TRUSTEES.

School trustees elected at same time

47. The board of school trustees of a city or town school district shall give notice to the secretary-treasurer of the municipality on or before the fifteenth day of November of each year of the number of vacancies required to be filled to make the school board complete and the election to fill such vacancies shall be held on the same day and in the same manner as the election of municipal councillors except as to qualification to vote which shall be as provided for in the Ordinance respecting schools. No. 8 of 1897, s. 43.

Proceedings the same

48. In every case in which notice is given as provided in the next preceding section the nomination and election of school trustee, shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as municipal nominations and elections of councillors and the provisions of this Ordinance respecting the time for opening and closing the poll, the mode of voting, corrupt or

improper practices, vacancies and declarations of office shall *mutatis mutandis* apply to the election of school trustees. No. 8 of 1897, s. 44.

Separate school supporters

49. In the list of qualified voters to be delivered to the returning officer by the secretary-treasurer of the municipality before the opening of the poll, the secretary-treasurer shall place opposite the names of any persons on the said list, who have requested him in writing to place them as supporters of separate schools, the letters "S.S.S." and the returning officer shall not deliver to any such person a ballot paper for public school trustees where there exist separate schools in such municipality. No. 8 of 1897, s. 45.

Voter if objected to to make oath

50. In case any objection is made to the right of any person to vote at any election of school trustees the returning officer shall require the person whose right of voting is objected to, to make the oath or affirmation required by section 29 of this Ordinance. No. 8 of 1897, s. 46.

Ballots for election of trustees

51. A separate set of ballot papers shall be prepared by the secretary-treasurer of the municipality containing the names of the candidates nominated for school trustees, of the same form as those used for councillors except the substitution of the words "school trustee" for the word "councillor" on said ballot paper. No. 8 of 1897, s. 47.

Annual statement of trustees

52. The annual statements of the trustees and treasurer of city and town school districts, required by *The School Ordinance* shall be given at the same time and place as may be appointed for the mayor and council to make their report to the citizens of the municipality. No. 8 of 1897, s. 48.

Clauses applicable only to town districts

53. None of the provisions contained in the six preceding sections shall apply to school districts whose limits do not coincide with the limits of the municipality. No. 8 of 1897, s. 49.

CORRUPT PRACTICES.

Corrupt practices

54. The following persons shall be deemed guilty of bribery and shall be punished accordingly:

1. Every person who directly or indirectly by himself or by any other person in his behalf gives, lends, or agrees to give or lend, or offers or promises money or valuable consideration or gives or procures, or agrees to give and procure, or offers or promises any office, place or employment to or for any voter or to or for any person on behalf of any voter or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election or upon a bylaw for raising money or creating a debt upon a municipality or part of a municipality for any purpose whatever or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at such election or upon such bylaw;

Corrupt practices

2. Every person who directly or indirectly by himself or by any other person in his behalf makes any gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in any municipal council or to procure the passing of any bylaw as aforesaid or the vote of any voter at a municipal election or for such bylaw;

3. Every person who by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in the municipal election or to procure the passing of any bylaw as aforesaid or the vote of any voter at a municipal election or for such bylaw;

4. Every person who advances or pays or causes to be paid money to or for the use of any person with the intent that such money or any part thereof shall be expended in bribery at a municipal election or at any voting upon a bylaw as aforesaid or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election or at the voting on such bylaw;

5. Every voter who before or during a municipal election or the voting on such bylaw directly or indirectly by himself or any other person in his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at such election or upon such bylaw;

6. Every person who after such election or the voting upon any such bylaw directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such bylaw;

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls and every person who receives pay for the use of any horse, teams, carriages or vehicles for the purpose of conveying any electors to or from any polls as aforesaid:

8. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage or loss or in any manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned. No. 8 of 1897, s. 57.

Lawful expenses

55. The actual personal expenses of a candidate, his

expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising shall be held to be the expenses lawfully incurred and the payment thereof shall not be a contravention of this Ordinance. No. 8 of 1897, s. 58.

CONTROVERTED ELECTIONS.

Institution of proceedings

56. If within six weeks after the election or one month after the acceptance of office by the person elected a relator shows by affidavit to any such judge reasonable grounds for supposing that the election was not legal or was not conducted according to law or that the person elected thereat was not duly elected or was guilty of bribery or undue influence and if the relator either deposits with the clerk of the court $200 or enters into a bond in the sum of $200 with two sureties, to be allowed as sufficient by the judge upon affidavit of justification, in the sum of $100 each, conditioned to prosecute the writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator the judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters complained of. No. 8 of 1897, s. 67; No. 26 of 1898, s. 1 (15).

Investigation of election of relator

57. In case the relator alleges that he himself or some other person has been duly elected the writ shall be to try the validity both of the election complained of and the alleged election of the relator or other person. No. 8 of 1897, s. 68.

Writ may apply to elections of two persons

58. In case the grounds of objection apply equally to two or more persons elected the relator may proceed by one writ against such persons. No. 8 of 1897, s. 69.

Judgment on one or more writs

59. When more writs than one are brought to try the validity of an election or the validity of the election of more than one person the judge may give one judgment upon all or a separate judgment upon each or more of them as he thinks fit. No. 8 of 1897, s. 70; No. 26 of 1898, s. 1, (16).

Issue and return of writ

60. The writs shall be issued by the clerk of the Supreme Court and shall be returnable before the judge in chambers at a place named in the writ upon the eighth day after service computed exclusively of the day of service or upon any later day named in the writ. No. 8 of 1897, s. 71.

Personal service

61. The writ shall be served personally unless the party to be served keeps out of the way to avoid personal service in which case the judge upon being satisfied thereof by affidavit or otherwise may make an order for such substitutional service as he thinks fit. No. 8 of 1897, s. 72.

Returning officer or deputy may be a party

62. The judge before whom the writ is made returnable or is returned may if he thinks proper order the issue of a writ of summons at any stage of the proceedings to make the returning officer or any deputy returning officer a party thereto. No. 8 of 1897, s. 73.

Intervention

63. The judge before whom the writ is returned may allow any person entitled to be a relator to intervene and prosecute and may grant a reasonable time for the purpose and any intervening party shall be liable or entitled to costs like any other party to the proceedings. No. 8 of 1897, s. 74.

Powers of judge

64. The judge shall in a summary manner upon statement and answer without formal pleadings hear and determine the validity of the election and may by order cause the assessment rolls, tax roll, voters' list and any other records of the election to be brought before him and may inquire into the facts on affidavit or by oral testimony. No. 8 of 1897, s. 75.

Disqualification of candidate

65. Any candidate elected at any municipal election who shall be found guilty of any act of bribery or using undue influence shall forfeit his seat and shall be rendered ineligible as a candidate at any municipal election for two years thereafter. No. 8 of 1897, s. 59.

Penalty

66. Any person who is adjudged guilty of bribery shall incur a penalty of $25 and shall be disqualified from voting at any municipal election or upon a bylaw for the next succeeding two years. No. 8 of 1897, s. 60.

Recovery of penalty

67. The penalties imposed by the preceding section shall be recoverable with full costs of suit by any person who sues for the same in the Supreme Court in the judicial district in which the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or a municipal voter until the amount which he has been condemned to pay is fully paid and satisfied. No. 8 of 1897, s. 61.

Report of judge

68. It shall be the duty of the judge who finds any candidate guilty of a contravention of section 54 of this Ordinance or who condemns any person to pay any sum for any offence against the said section to report the same forthwith to the secretary-treasurer of the municipality wherein the offence has been committed. No. 8 of 1897, s. 62; No. 26 of 1898, s. 1 (14).

List of persons disqualified

69. The secretary-treasurer of every municipality shall duly enter in a book to be kept for that purpose the names of all persons within his municipality who have been adjudged guilty of any offence as aforesaid and of which he has been notified as aforesaid. No. 8 of 1897, s. 63.

Witness fees

70. Any witness shall be bound to attend before the judge of the Supreme Court before whom the complaint is made upon being served with the order of the judge directing his attendance or his attendance with documents and upon payment of the same fees as are paid in civil cases for his attendance or his attendance with documents in the same manner as if he had been directed by a writ of subpœna or a subpœna *duces tecum* so to attend and he may be punished for contempt and

shall be liable to all the penalties for such nonattendance in the same manner as if he had been served with a writ of subpœna or a writ of subpœna *duces tecum*. No. 8 of 1897, s. 64.

Limitation of time for proceedings

71. All proceedings other than application in the nature of a *quo warranto* against any person for any violation of section 54 of this Ordinance shall be commenced within thirty days after the municipal election at which the offence is said to have been committed or within thirty days after the day of voting upon a bylaw as aforesaid. No. 8 of 1897, s. 65.

Trial in chambers

Relator

72. In case the validity of the election of mayor, reeve or councillor is contested the same may be tried by a judge in chambers and any candidate at the election or any elector of the municipality may be the relator for the purpose. No. 8 of 1897, s. 66.

New election if election invalid

73. In case the election complained of is adjudged invalid the judge shall forthwith by writ cause the person found not to have been duly elected to be removed and in case the judge determines that any other person was duly elected the judge shall forthwith order a writ to issue causing such other person to be admitted and in case the judge determines that no other person was duly elected instead of the person removed the judge shall by the writ cause a new election to be held. No. 8 of 1897, s. 76.

Writ directed to sheriff

Powers of sheriff

74. In case the election of all the members of a council be adjudged invalid the writ for their removal and for the election of new members in their place or for the admission of others adjudged legally elected and an election to fill up the remaining seats in the council shall be directed to the sheriff of the judicial district in which the election took place and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. No. 8 of 1897, s. 77.

Disclaimer

75. Any person whose election is complained of may unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit postpaid through the post office directed to the clerk of the judicial district who issued the writ or may cause to be delivered to such clerk, a disclaimer signed by him to the effect following:

I, *A.B.*, upon whom a writ of summons in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of councillor for the municipality of do hereby disclaim the said office and all defence of any right I may have to the same.

Dated day of

(Signature) *A.B.*

No. 8 of 1897, s. 78.

Indorsement

76. Such disclaimer or the envelope containing the same shall be indorsed on the outside thereof with the word "disclaimer" and be registered at the post office where mailed. No. 80 of 1897, s. 79.

Service of disclaimer

77. Where there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the secretary-treasurer of the municipality a disclaimer signed by him as follows:

I, *A.B.*, do hereby disclaim all rights to the office of councillor for the municipality of , and all defence of any right that I may have to the same. No. 8 of 1897, s. 80.

Effect of disclaimer

78. Where a disclaimer has been made in accordance with the preceding sections it shall operate as a resignation and the candidate having the next highest number of votes shall then become the councillor or other officer as the case may be. No. 8 of 1897, s. 81; No. 26 of 1898, s. 1 (17).

Notification to council

79. The secretary-treasurer of the council shall forthwith communicate the same to the council. No. 8 of 1897, s. 82.

Costs

80. No costs shall be awarded against any person duly disclaiming unless the judge is satisfied that such party consented to his nomination as a candidate or accepted the office in which case the costs shall be in the discretion of the judge. In all cases not otherwise provided for costs shall be in the discretion of the judge. No. 8 of 1897, s. 83.

Decision final

81. The decision of the judge shall be final and he shall immediately after his judgment return the writ and judgment with all things had before him touching the same, except such as he may otherwise order, into the court from which the writ issued, there to remain of record as a judgment of the said court and he shall as occasion requires enforce such judgment by writ in the nature of a writ of peremptory *mandamus* and by writs of execution for the costs awarded. No. 8 of 1897, s. 84.

Enforcement of judgment

Rules of court

Forms and costs

82. The judges of the Supreme Court sitting *en banc* or a majority of them may by rules settle the forms of the writs of execution, certiorari, mandamus and execution under this Ordinance and may regulate the practice respecting the suing out, service and execution of such writs and the punishment for disobeying the same or any other writ or order of the court or judge and respecting the practice generally in hearing and determining the validity of such elections or appointments and provide a tariff of costs thereon and may from time to time rescind, alter or add to such rules, but all existing rules shall remain in force until rescinded or altered as aforesaid. No. 8 of 1897, s. 85.

Part II.

Councils.

DUTIES AND POWERS.

First meeting

83. The first meeting of the council elected shall be held on the first Monday in January in each year except when such Monday is a public holiday in which case the meeting shall take place on the next subsequent day not a public holiday and the council of the previous year shall hold office up to the first meeting of the new council notwithstanding the fiscal year expires on the thirty-first day of December in each year and in case of neglect or refusal of the electors in a municipality to elect a council as hereinbefore provided until a new council is appointed under the provisions of this Ordinance. No. 8 of 1897, s. 86.

Council to hold office till successors elected

Quorum

84. A majority of the council shall be a quorum at any meeting but when the council consists of only five members the concurrent votes of at least three shall be necessary to carry any resolution or other measure. No. 8 of 1897, s 87.

Jurisdiction over highways, bridges and streams

85. Every municipality shall have jurisdiction over all highways within the same and the Lieutenant Governor in Council may give a municipality jurisdiction over any highway, bridge or stream dividing municipalities or adjacent thereto when not dividing municipalities and may determine what portion of highway, bridge or stream dividing municipalities shall be within the jurisdiction of each. No. 8 of 1897, s. 88; No. 26 of 1898, s. 1 (18).

Cemeteries

86. Whenever a municipality acquires by purchase, donation or otherwise any plot of land for cemetery purposes outside of the limits of the municipality the provisions of *The Cemetery Ordinance* shall apply *mutatis mutandis* to the said municipality and the council may pass bylaws for raising money for improving, caring for and beautifying such land. No. 8 of 1897, s. 89.

Certain works to be kept in repair

87. Every municipality shall keep in repair all sidewalks, crossings, sewers, culverts and approaches, grades and other works made or done by its council and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default but the action must be brought within six months after the damages have been sustained. No. 8 of 1897, s. 90.

Control of ferries and bridges

88. Municipalities may control and license ferries and bridges erected or authorised by them within their jurisdiction and pass bylaws allowing the collection of tolls thereon for periods not exceeding five years. No. 8 of 1897, s. 91.

May make bylaws for government of proceedings

89. Every council may make regulations and bylaws not provided for by this Ordinance and not contrary to law for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the municipality may require and may repeal, alter and amend its own bylaws except where bylaws are made for the purpose of raising money, levying assessments or striking rates. No. 8 of 1897, s. 92.

Councillors' indemnity

90. Every council may pass a bylaw for paying the members thereof, which shall in no case exceed the sum of $1.50 per day and ten cents for every mile necessarily travelled coming to and returning from the business of the council:

Number of meetings

Provided that the number of days for which each councillor shall be paid during the year for which he is elected shall not exceed 12. No. 8 of 1897, s. 93.

Duration of office of employees

91. All municipal officers shall hold office until removed by the council, or as expressed in their appointments. No. 8 of 1897, s. 94; No. 26 of 1898, s. 1 (19).

No appointment by tender

92. No municipal council shall make any appointment to office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration. No. 8 of 1897, s. 95.

Duties of officers Security

93. The municipal council in addition to defining the duties of its officers shall exact security from the secretary-treasurer and such other officers as they may determine for the faithful performance of their duties and it shall be the duty of every council at its first meeting or within a reasonable time thereafter to examine and renew the securities given by its officers. No. 8 of 1897, s. 96.

Liabilities of officers

94. Municipal officers shall be liable for their acts and for damage arising from their refusal or neglect to discharge their duties to the municipality in addition to penalties imposed for violation of any of the provisions of this Ordinance. No. 8 of 1897, s. 97.

BYLAWS.

Bylaws

95. The council of every municipality may pass bylaws for:

Raising revenue

1. The raising of its revenue by assessment on real and personal property and income; authorising the chairman and the treasurer to borrow from any person or bank or corporation, such sum of money as may be required to meet the expenditure of the municipality until such time as the taxes levied therein can be collected; but such sum of money so borrowed shall not exceed the estimated revenue of the municipality of the then current year and the collection and expenditure of the same.

Prevention of cruelty

2. The prevention of cruelty to animals not being inconsistent with any statute or Ordinance in that behalf;

3. Granting aid to agricultural societies; — Agricultural societies

4. The prevention or removal of abuses prejudicial to agriculture not otherwise provided for by law; — Prevention of abuses

5. The relief of the poor; — Poor relief

6. Appointing policemen, watchmen and patrols and regulating and defining their duties and their remuneration; — Police

7. Providing for the health of the municipality and against the spreading of contagious or infectious diseases; — Public health

8. Appointing and defining the duties of a board of health, health officers and scavengers; — Health officers Scavenging

9. The encouragement of the planting of trees on prairie lands or highways or other public places and remuneration for the same by commutation of statute labour or otherwise, and providing for the protection thereof; — Planting trees

10. Taking the census of the municipality; — Census

11. Appointing such officials under such names as the council may deem necessary for the carrying out of the work of the corporation, defining their duties and providing for their remuneration; — Appointing officials

12. Entering upon and taking and using and acquiring so much real property as may be required for highways, roads, streets, bridges, alleys and byways in the municipality without the consent of the owners of such real property and without the consent of the owners taking and acquiring for the purpose of preventing the operation of any and all such coal mines and coal pits within, upon or under any portion of the limits of the municipality (being a town) as in the opinion of the municipal council injuriously affect or endanger property within the limits of the municipality making due compensation therefor to the parties entitled thereto; and such compensation may be determined by arbitration under the provisions of this Ordinance where a mutual agreement is not possible; — Expropriating land

13. Laying out, constructing, repairing and maintaining highways, roads, streets, bridges, alleys and byways: — Public works

14. The erection of halls, lockups, weigh houses, markets and such buildings as may be beneficial to the municipality and to expropriate lands therefor; — Public buildings

15. The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in public markets and restraining or preventing selling on the streets; — Public markets Selling on streets

16. Establishing municipal scales for weighing or measuring and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement in the public market and establishing or regulating the fees to be paid for weighing and measuring on such scales and compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser; — Public scales

17. Purchasing, controlling, erecting or establishing parks; — Parks

Public wells

18. Making and regulating the use of public wells, cisterns and reservoirs;

Regulating public buildings

19. Regulating the size and number and construction of doors in churches, theatres and halls or other places of public worship, public meetings or places of amusement and the street gates leading thereto and also the size and structure of stairs and stair railings in all such buildings and the strength of beams and joists and their supports;

Drainage

20. Controlling and constructing sewers, drains and ditches and regulating and preventing the obstruction of the same;

Sidewalks

building and repairing sidewalks, preventing the leading, riding or driving of cattle or horses thereon or the riding on bicycles or tricycles thereon and compelling persons to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them; and also to provide for the cleaning of sidewalks adjoining vacant property of nonresidents and the property of any other persons who for twenty-four hours neglect to clean the same and in case of nonpayment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner with the other taxes;

Laying down pipes

21. Authorising any corporate gas or water or gas and water company to lay down pipes or conduits for the conveyance of gas or water or both under streets, squares and other public places subject to such regulations as the council may make;

Water supply

Fire protection

22. Contracting with any water works or water company for a supply of water within the municipality for fire purposes and other public uses for hydrants or otherwise as may be deemed advisable and for the renting of any such hydrants for any number of years not in the first instance exceeding ten and renewing any such contract from time to time for such period not exceeding ten years as such council may desire and every such council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid and also to erect the same; and purchasing or renting for a term of years or otherwise fire apparatus of any kind and fire appliances and appurtenances belonging thereto respectively;

Abatement of nuisances

23. Compelling the removal of dirt, filth, dust or rubbish, off the highways, streets, lanes, alleys or byways by the party depositing the same or by the owner or occupant before whose property it is or in default removing the same at his expense: compelling the removal of anything deemed dangerous to the lives of the inhabitants; preventing and regulating the construction of privy vaults and water closets and providing for keeping the same in a proper state of cleanliness and repair; preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances: and preventing and abating nuisances generally:

Preventing incumbering of streets

24. Preventing the encumbering of streets or other public places by vehicles, agricultural implements, lumber and other articles;

25. Regulating the rate or pace of riding or driving within the municipality or any part thereof; Regulating driving on streets

26. Regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; Storage of gunpowder, etc.

27. Preventing the defacing of private or other property by printed or other notices: Preventing defacement of buildings

28. Regulating the rate or pace of riding or driving on bridges; Regulating driving on bridges

29. Licensing, regulating and governing all persons who keep or have in their possession or on their premises any billiard, pool or bagatelle table in a place of public entertainment whether such table be used or not and for fixing the sum to be paid for a license for each such table and the time such license shall be in full force. Licensing gaming tables

30. Preventing or regulating and licensing exhibitors of wax works, menageries, circuses, shows, theatres, caravans and for requiring the payment of license fees for authorising the same not exceeding $500 per day and for imposing fines on persons for infringing such bylaws to the amount of $50 over and above the amount of the license fee, and such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not and in addition the offender may be imprisoned for six months; Licensing shows, etc.

31. Preventing or regulating and licensing exhibitions held or kept for hire or profit, halls, opera houses, bowling alleys and other places of amusement; Licensing places of amusement

32. Licensing, regulating and governing hawkers, pedlers or petty chapmen and other persons carrying on petty trades or who go from place to place or to other men's houses on foot or with any animal bearing or drawing any goods, wares or merchandise for sale or for fixing the sum to be paid for a license for exercising such calling within the municipality and the time it shall be in force; Licensing hawkers

33. Controlling, regulating and licensing livery, feed and sale stables, telegraph and telephone companies, telegraph and telephone offices, insurance companies, offices and agents, real estate dealers and agents, intelligence offices or employment offices or agents, butcher shops or stalls, skating, roller or curling rinks, and all other business industries or callings carried on or to be carried on within the municipality or commercial travellers or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise, for or on account of any merchant, manufacturer or other person selling directly to the consumer, not having his principal place of business in the municipality, and collecting license for the same: Licensing business, etc.

34. Licensing porters, water dealers, milk dealers or carriers or common carriers, draymen, hackmen, omnibus drivers and guides and regulating the same; Licensing porters, etc.

(*a*) And for fixing the sum to be paid for license for exercising any or all such callings within the municipality and the time the license shall be in force ;

(*b*) The power hereinbefore contained to license and regulate porters, water dealers, carriers, draymen, hackmen, omnibuses and guides shall extend to and include all those who carry on business as such partly within and partly without the municipality or who carry or convey goods or persons from any place outside the municipality to any place with the same or from within such municipality to any place beyond the limits thereof ;

Restraining dogs

35. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Regulating assize of bread

36. Regulating the assize of bread and preventing the use of deleterious materials in making bread and providing for the seizure and forfeiture of bread made contrary thereto ;

Rebating taxation

37. Allowing a rebate on all taxes paid before a time to be named in the bylaw ; such rebate shall not exceed 10 per cent. and the time fixed by the bylaw shall not be less than thirty days from the passage of the bylaw ;

Exempting from taxation

38. Exemption from taxation for the then current year ;

39. Exemption from taxation for a longer period than one year subject to ratification as hereinafter provided ;

Bonusing manufactories

40. Granting bonuses to manufactories, mills, railways or any works of a public nature subject to ratification by the ratepayers as hereinafter provided ;

Operating industries

41. Building, owning or operating grist mills, elevators and manufacturing establishments, subscribing for stock therein subject to ratification as hereinafter provided ;

Fire department

42. Establishing a fire department, appointing the officers thereof regulating and providing their remuneration and prescribing their duties ;

Fire protection

43. Providing protection from fire by the purchase of engines and equipment ;

Compelling assistance in putting out fire, razing buildings

44. Compelling the inhabitants to assist and aid in the extinguishment of fires ; pulling down and razing buildings in the vicinity of fires for the purpose of preventing the spreading of the same ;

Fire districts

45. Regulating fire districts ;

Regulating erection of wooden buildings, etc.

46. Regulating the erection and repair of buildings and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the municipality and prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within defined areas of the municipality and regulating the construction of chimneys as to dimensions and otherwise and enforcing the proper cleaning of the same and authorising the pulling down or removal at the

Chimneys

Removal of

expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any bylaw; improper buildings

47. Generally establishing such measures as the safety and welfare of the municipality may require for the prevention and extinguishment of fires; Prevention of fires

48. Compromising upon such terms as may be agreed upon for the payment of arrears of taxes; Compromising arrears of taxes

49. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year; Destruction of noxious weeds

50. The purchase or otherwise acquiring and holding any lands situated outside the limits of the municipality which may be required for a nuisance ground for the purpose of disposing of the sewage and other refuse of such municipality; Purchase of nuisance ground

51. Generally to make and establish all such bylaws for the government and good order of the municipality and the suppression of vice and immorality, protection of property and the promotion of health not inconsistent with the law; Government of municipality

52. Investing any part of the monies held by them to the credit of a sinking fund account (which cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable) from time to time in Dominion Government securities, school or municipal debentures of any school or municipality in the North-West Territories provided that such debentures mature before the date on which the debt for which the said sinking fund exists is due and payable; Investment of sinking fund

53. On receipt of a petition signed by the majority of the ratepayers of any registered townsite situate within any municipality, prohibiting the discharge of firearms within a portion or all of the area covered by said townsite. Use of firearms

54. On presentation of a duly certified petition representing one-half of the resident ratepayers of any municipality or portion of a municipality regulating the time after which children shall not be in the streets within the limits represented by the said petitioners, at nightfall without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed and such municipal council shall in each case cause a bell or bells to be rung at or near the time appointed as a warning to be called a "curfew bell" after which the children so required to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause; and for providing a penalty for any child so found in the public streets contrary to the above regulations and the parent or guardian of any child who after being duly warned in writing permits his child to be on the public streets contrary to said regulations: Preventing children being on the streets at nightfall

55. The erection and regulation of hospitals or granting aid to same; Hospitals

Preventing pollution of water supply

56. Preventing the putting of anything prejudicial to health in any stream or any body of water within the municipality or from which water is supplied for any purpose ;

Regulating burial of dead

57. Preventing the burial of the dead within the municipality ;

Electric and other works

58. Building, erecting or buying or leasing, controlling and operating telephone plant, electric light and power plant, gas and waterworks plant or purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on any of the said businesses subject to the ratification of the ratepayers ;

(*a*) For all purposes connected with the carrying on of any of the above works the municipality is hereby authorised to purchase any lands either within or without the municipality and to enter into any contract necessary for the proper carrying on of said businesses and generally to conduct said works and businesses arising in connection therewith either by the council or by commissioners or agents appointed for the purpose as fully and freely and with all the powers and rights they would have if specially incorporated for the purpose of carrying on said business ;

(*b*) In case the municipality engage in any of the businesses heretofore referred to the council shall have power to appoint by bylaw commissioners for the purpose of carrying on such businesses or any of them and all necessary contracts in connection therewith may be done and performed in the name of the said commissioners who shall be called "electric light commissioners," "telephone commissioners" or as the case may be and by that name shall have all the powers for properly carrying on the business which are herein granted to the municipality :

Licensing pawnshops

59. Licensing and regulating pawnshops, junk stores or shops and second hand stores or shops and fixing the amount to be paid for license for the same and the time such license shall be in force :

Licensing scavengers, etc.

60. Regulating and licensing scavengers and billposters and preventing the pulling down or defacing of signboards or written or printed notices lawfully affixed ;

Removal of obstructions

61. Directing the removal of doorsteps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or other public place at the expense of the proprietor of the property connected with which such projections are found and assessing said expense if not paid against said lot or property ;

Regulating railways

62. Sanctioning and permitting the track of any railroad, street railway or tramway to be laid in, on or along any street or avenue of the municipality and to provide compensation for any damage that may be done to the property on said streets

or avenues: the amount of said damage if any to be settled in the manner provided herein in regard to the expropriation of land; and to regulate the use of locomotive engines and of steam or other motor power on any or every portion of any railroad within the municipality and to provide and regulate the speed of cars upon any and every part of any railroad within the municipality and to impose a penalty not exceeding $500 for any breach of such bylaw;

Regulating railway train

63. Subject to the provisions of any act of the Parliament of Canada respecting railways, regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the municipality and preventing the obstructing of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time and preventing the loading or unloading of any car or truck along side or from any street crossing or sidewalk in the municipality and blowing of whistles or ringing of bells while the engine is going along or across any street or avenue except under conditions mentioned in such bylaw and imposing a penalty for breach of such bylaw not exceeding $500;

Procedure

(*a*) In any proceedings taken for infraction of bylaws passed under the two preceding subsections service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad and both the owners of the railroad and the persons in charge of the engine, car, truck or train shall be liable for the penalty provided in the bylaw and proceedings may be taken against either or both.

Regulating sale of food

64. Regulating the sale of any articles used for food or drink and providing for inspection of same and for seizure and forfeiture of articles offered or exposed for sale contrary thereto;

Contracts for light or water

65. Authorising the mayor and secretary-treasurer to sign any contract with any person or corporation to supply light or water for the use of the corporation for any period not exceeding five years;

Removal of dangerous buildings

66. Appointing street and building inspectors and providing their duties and for providing for the summary removal of any pole or wire or other obstruction from the street or for the pulling down or removal or closing to the use of the public of any building or other erection within the municipality which shall be deemed dangerous by such inspectors:

Drainage

67. Constructing through, over and above lands lying beyond or outside of the limits of the municipality such drains and sewers as may be deemed expedient to secure the proper drainage of said municipality and the disposal of the sewage thereof;

Naming streets

68. Naming or numbering the streets or avenues and changing the name and numbers or any of them of streets and avenues now existing or hereafter laid out within the municipality;

Fire walls

69. Authorising the building of fire walls and granting bonuses for the same;

Industrial farms, parks, exhibition grounds, etc.

70. Acquiring any estate in landed property within or without the town for an industrial farm or for a public park, garden or walk or for a place for exhibitions and for the disposal thereof when no longer required for the purpose or when the council of the town may deem it advisable to dispose of the same; and for accepting and taking charge of landed property within or without the town dedicated for a public park, garden or walk for the use of the inhabitants of the town;

Erecting buildings, etc.

71. The erection of buildings and fences for the purpose of the farm, garden, walk or place for exhibitions as the council deems necessary;

Management of parks, etc.

72. The management of the farm, park, garden, walk or place for exhibitions and buildings;

Issuing of debentures to aid railways

73. Upon a petition of at least three-fourths in number of the resident ratepayers entitled to vote on bylaws requiring the assent of the electors and subject to ratification by a vote of the electors as in the case of such bylaw, to subscribe for any number of shares in the capital stock of any incorporated railway or street railway in the construction or maintenance or operation of which in, through or near the municipality, the municipality is in the opinion of the municipal council interested; and for issuing for the purpose debentures payable at such times and for such sums respectively not less than $20 and bearing interest as the municipal council thinks meet, being not more than eight per cent.;

Closing of shops

74. The enforcement of closing at any specified hour of all wholesale and retail shops, stores or other places where any mercantile business is carried on, provided the council is requested to do so by a petition signed by three-quarters of the ratepayers of the municipality who are engaged in any such line of business.

Restraining running at large of animals

75. Restraining and regulating the running at large or trespassing of any animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such bylaw and for services rendered in respect to and sustenance supplied for animals distrained or impounded: for appointing pound keepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the pound keeper to impound; for appraising the damages to be paid by the owners of animals impounded for trespassing and (subject to the provisions hereinafter referred to) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid:

Provided that in addition to any provision that may be contained in any bylaw passed under this subsection the provisions of sections 26, 27, 28, 29 and 39 of *The Pound District Ordinance* or any provisions that may be substituted therefor or enacted in amendment thereof shall apply to and be observed

in the case of any proceedings under such bylaw. No. 8 of 1897, s. 98; No. 26 of 1898, s. 1 (20, 21, 22, 23); No. 40 of 1898, s. 15.

Collection of license fees

96. In all cases in which in this Ordinance it is provided that the council may license any business, building, calling, trade or occupation, or the keeper of any articles or animals for use or hire, the council shall also have full power and authority by bylaw to provide regulations in connection therewith and governing the conduct of same and providing the manner of collecting of such licenses and providing penalties for not having such license and for breach of conditions on which such licenses are issued and also for fixing fees to be charged for such licenses and regulating the prices or fees to be charged by the holders of such licenses and providing for the collection or payment of the same and generally for the protection of those persons holding licenses. No. 8 of 1897, s. 100.

Liability for both license fees and taxes

97. The imposing or collecting of license fees shall not in any case be held to prevent the assessing of property used by license holders in the same manner as other property and collection of taxes thereon. No. 8 of 1897, s. 101.

May enforce bylaws at cost of defaulter

98. When any municipal council has any authority to direct by bylaw or otherwise that any matter or thing shall be done by any person or corporation such council may also by the same or another bylaw direct that in default of its being done by the person or corporation such matter or thing shall be done at the expense of the person or corporation in default and the municipality may recover the expense thereof with costs by action in any court of competent jurisdiction. No. 8 of 1897, s. 102.

Passing bylaws Procedure

99. Every bylaw under this Ordinance shall be under the seal of the municipality and shall be signed by the chairman or the person presiding at the meeting at which the bylaw is finally passed and by the secretary-treasurer of the municipality; and every such bylaw shall have three distinct and separate readings before the same shall be finally passed but not more than two readings shall be had at any one meeting except by the unanimous vote of the council present. No. 8 of 1897, s. 103.

Proof of bylaws

100. A copy of any bylaw written or printed without erasure or interlineation and under the seal of the municipality, certified to be a true copy by the secretary-treasurer thereof and by any member of the council shall be authentic and received as *prima facie* evidence of the due execution and contents thereof without further proof in any court of justice. No. 8 of 1897, s. 104.

Time limit for application to quash

101. In case no application to quash a bylaw is made within two months next after the final passing thereof the bylaw shall notwithstanding any want of substance or form either in

the bylaw itself or in the time or manner of passing the same be a valid bylaw. No. 8 of 1897, s. 105.

MAYOR OR REEVE.

Duties of mayor or reeve

102. The mayor or reeve shall preside at all meetings of the council, preserve order and enforce the rules of the council; sign jointly with the secretary-treasurer all cheques ordered to be issued by the council: be vigilant and active at all times in causing the bylaws of the municipality to be put in force and duly executed; inspect and report to the council on the conduct of the officers of the municipality; cause as far as may be in his power all negligence, carelessness or violation of duty to be prosecuted and punished; communicate from time to time to the council any information and make such recommendation as will tend to the improvement of the finances, health, security and comfort of the municipality. No. 8 of 1897, s. 106.

Special meetings of council

Ratepayers' meetings

103. The mayor or reeve shall call special meetings of the council whenever requested so to do by a majority of the same in writing and all the members thereof shall be duly notified of the time and place of holding the same at least two days previous to the holding thereof; and he shall by public notice, over his signature, conspicuously posted in at least ten places in the municipality call a public meeting of the ratepayers of the municipality for the discussion of municipal affairs and such meeting shall be held within the two weeks preceding the date fixed for holding the annual election of councillors. No. 8 of 1897, s. 107.

Mayor or reeve may vote Equality of votes

104. The mayor or reeve at any meeting of the council may vote with the other members of the council on all questions; and any question on which there is an equality of votes shall be deemed to be negatived. No. 8 of 1897, s. 108.

Absence of mayor Substitute

105. In the event of the absence of the mayor or reeve from any meeting the council shall elect another from amongst themselves who shall have all the powers of the mayor or reeve at such meeting. No. 8 of 1897, s. 109.

VACANCY IN COUNCIL. LEAVE OF ABSENCE.

Vacancy New election

106. In case of the resignation, death or removal of any member of a council or in the event of a vacancy occurring in the council from any cause whatsoever the council at its next meeting shall order an election and the member so elected shall hold office for the unexpired period of the member whose place he was elected to fill. No. 8 of 1897, s. 110; No. 26 of 1898, s. 1 (24).

Leave of absence

107. In the event of any member of a council refusing or neglecting to attend the meetings of the council for three months his seat shall be declared vacant unless he shall have received permission to absent himself from the council by a

majority vote of the same at a regular meeting of the council, which permission shall in no case be for a longer period than six months. No. 8 of 1897, s. 111.

THE SECRETARY-TREASURER.

108. The council shall by bylaw as soon as possible after the beginning of each year appoint a secretary-treasurer who shall hold office during the pleasure of the council. No. 8 of 1897, s. 112. Appointment of secretary-treasurer

109. The secretary-treasurer shall before entering on his duties furnish to the municipality security in a penal sum to be named by the council for the true and faithful performance of all the duties required of him by this Ordinance and the said security shall be a guarantee bond of a guarantee company authorised to do business in Canada. No. 8 of 1897, s. 113. Secretary-treasurer to furnish bond

110. The secretary-treasurer shall attend all meetings of the council, truly record all resolutions, decisions and other proceedings of the council, and if required by the council shall record the name of every member voting and whether aye or nay on any question coming before the council; he shall keep the books, records and accounts of the council and shall preserve and file all accounts acted upon by the council and shall keep the original or certified copies of all bylaws of the council. No. 8 of 1897, s. 114. Duties as secretary

111. The secretary-treasurer shall collect and receive all moneys belonging or accruing to the municipality from whatever source and shall deposit same to the credit of the municipality in any chartered bank designated by resolution of the council. He shall conjointly with the mayor or reeve sign all cheques on such bank ordered to be issued by the said council: Duties as treasurer

Provided that in case there is no branch of any chartered bank situated within the municipality the council may direct that any funds to the credit of the general fund of the municipality may be deposited to the credit of the municipality in any private bank doing business therein. No. 8 of 1897, s. 115.

AUDITOR.

112. No one shall be appointed as auditor who is or who during the preceding year was a member of the council or officer of the municipality or who had during such preceding year either directly or indirectly a share or interest in any contract with or on behalf of the municipality except as auditor. No. 8 of 1897, s. 137. Who may not be auditor

113. The auditor shall examine and report upon all accounts affecting the municipality or relating to any matter under its control or within its jurisdiction for the year ending Duties of auditor

on the thirty-first day of December preceding his appointment and during the year for which he was appointed he shall at the request of the council report from time to time on matters that may be referred to him. No. 8 of 1897, s. 138.

Auditor shall prepare statement

114. The auditor shall prepare an abstract of the receipts, expenditures, assets and liabilities of the municipality and also a detailed statement of the said particulars in form as the council may direct and shall make a special report of any expenditure made contrary to law and shall deliver one copy of such report to the mayor or reeve and one to the secretary-treasurer of the municipality and thereafter any inhabitant or ratepayer of the municipality may inspect the said report and may by himself or agent at his own expense take a copy thereof or extract therefrom. No. 8 of 1897, s. 139.

Statement to be published

115. The council of every municipality shall not later than the fifteenth day of February in each year cause to be published within the municipality a detailed copy of the auditor's report required by section 113 hereof. No. 8 of 1897, s. 140.

Audit of accounts of secretary-treasurer

116. The council of every municipality shall provide for the audit of the accounts of the secretary-treasurer at least once in every three months during the current year and the Lieutenant Governor in Council may on petition of one-fourth of the number of the ratepayers of any municipality as shown by the last revised assessment roll appoint anyone to make a special audit of the accounts of any municipality; the expenses of such special audit shall be paid out of the general fund of the municipality. No. 8 of 1897, s. 141; No. 26 of 1898 s. 1 (18).

Part III.

Assessment and Collection of Taxes.

PROPERTY LIABLE TO TAXATION.

Rates to be equitable

117. All municipal, local or direct taxes or rates shall where no other express provision has been made in this respect be levied equally upon the whole ratable property, real and personal, and income, of the municipality according to the assessed value of such property and income and not on any one or more kinds of property in particular or in different proportions. No. 8 of 1897, s. 142.

All land taxable

118. All land and personal property and income in the Territories shall where no other express provision has been made in this respect be liable to taxation subject to the exemptions hereinafter mentioned.

Income assessment

(2) No person deriving an income exceeding $600 per annum from any trade, calling, office, profession or other source whatsoever not declared exempt by this Ordinance shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past in excess of the said sum of $600 and such last year's income in excess of the said sum of $600 shall be held to be his net personal property unless he has other personal property liable to assessment in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment. No. 8 of 1897, s. 143; No. 26 of 1898, s. 1 (29).

Railway property

119. The real estate and personal property of all railway companies liable to assessment is to be considered as the property of ratepayers within the municipality. No. 8 of 1897, s. 144.

Crown lands assessment

120. Crown lands occupied whether under right of purchase or homestead or pre-emption entry and unpatented lands vested in or held by Her Majesty which may be hereafter or may have been heretofore sold or agreed to be sold to any person or corporation or which may be located as a free grant homestead or pre-emption shall be liable to taxation from the date of such homestead or pre-emption entry, location, sale or grant; and all such lands shall be liable to taxation thenceforward under this Ordinance in the same way as other land whether any license of occupation, certificate of sale, or receipt for money paid on such sale has or has not been or is or is not issued and in case of sale or agreement of sale by the Crown whether any payment has or has not been or is or is not made thereon and whether any part of the purchase money is or is not overdue; but such taxation shall not in

any way affect the right of Her Majesty in such lands. No. 8 of 1897, s. 145.

EXEMPTIONS.

Exemptions

121. The following shall be exempted from taxation:

1. All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories;

2. All property held by or in trust for the use of any tribe of Indians or the property of the Indian Department;

3. Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed in respect thereof but the property itself shall not be liable:

4. The lands, not exceeding one-half acre and the buildings thereon, of all public schools, universities, collegiate institutes or incorporated seminaries being public property, so long as such property is actually used or held for educational purposes;

5. All property belonging to the municipality when held or occupied or in the use of the corporation and the personal property belonging to the same;

6. Gaols, court houses and the necessary land attached thereto;

7. The books of every public library;

8. The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation:

9. Household effects of every kind (except in unlicensed hotels and restaurants), books and wearing apparel in use:

10. The increase in the value of any land by reason of the annual cultivation thereof, together with the growing crops;

11. All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under and subject to the provisions of *The North-West Irrigation Act*, 1898.

Provided however that should any such works be not operated during any one year then said works and ditches shall not be exempt from taxation during the year;

12. Personal property to the amount of $300 other than income;

13. The annual income of any person derived from his personal earnings provided the same does not exceed $600;

14. Rental or other income derived from real estate except interest on mortgages:

15. A building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one-half acre except such part as may have any other buildings thereon:

16. Grain. No. 8 of 1897, s. 146; No. 40 of 1898, s. 15,

122. The assessor or assessors shall prepare an assessment roll after revision by the assessment committee as in form F in the schedule to this Ordinance setting down in each column as accurately as may be after diligent inquiry the information called for by the heading thereof. No. 8 of 1897, s. 159. Duties of assessors

ASSESSMENT.

123. The council of the municipality shall appoint the mayor or reeve, secretary-treasurer and assessor or any two others with the assessor who shall on completion of the assessor's roll and before assessment notices are sent out check over the assessment roll and make such corrections as the majority of the committee may decide. No. 8 of 1897, s. 158. Assessment committee

124. Every assessor shall before delivery of his roll to the secretary-treasurer of the municipality deliver to each taxable person if residing in the municipality a notice setting forth the sum at which his real and personal property and taxable income is assessed or if such taxable person be not residing in the municipality shall mail said notice by registered letter direct to such taxable person to the post office named in such roll and shall enter on the roll opposite the name of such person the date of such delivery or mailing and such entry shall be deemed *prima facie* evidence of such delivery ; Assessor to notify parties assessed

Provided that in rural municipalities the assessor shall deliver such notice at the time of the assessment and if any corrections or alterations are made by the assessment committee the assessor shall deliver or send by registered letter a new assessment notice showing the corrections or alterations so made. No. 8 of 1897, s. 160.

125. Tho personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm. Partnership assessment

(2) If a partnership has more than one place of business each branch shall be assessed as far as may be in the locality where it is situate for that portion of the personal property of the partnership which belongs to that particular branch. No. 8 of 1897, s. 161.

126. It shall be the duty of every person assessable for real and personal property or income in every municipality to give all information to the assessor and he may deliver to the assessor a statment in writing setting forth the particulars of the property for which he should be assessed but no such statement shall bind the assessor or excuse him from making due inquiry as to its correctness. No. 8 of 1897, s. 162. Information to be given assessor

127. In assessing vacant ground or ground used as a farm, garden or nursery and not in immediate demand for building purposes in towns the value of each parcel of vacant ground Vacant ground, farms, gardens, etc.

shall be that at which sales of it can be reasonably expected during the current year; the assessor shall value it as if held for farming or gardening purposes with such percentage added as the situation of the land may reasonably call for and such vacant land whether surveyed into lots or not if unsold as such may be entered on the assessment roll as so much of the original lot or section as the case may be and where ground is not held for purposes of sale but *bona fide* inclosed and used in connection with a residence or building as a paddock, garden, park or lawn it shall be assessed at a sum which at six per centum would yield a sum equal to the annual rental which in the judgment of the assessor it is reasonably worth reference being always had to its position and local advantages.

Land values

(2) Except in case of mineral lands hereinafter provided for land shall be estimated at its relative value as compared with the balance of the land in the municipality:

Provided that no lands shall in a rural municipality be assessed at a less valuation than $2 per acre.

Mineral lands

(3) In estimating the value of mineral lands said lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes.

Stock in trade

(4) In assessing stock in trade the assessor shall assess a person, firm or corporation for the amount of the average stock in trade kept on hand by such person, firm or corporation during the twelve months immediately prior to the date of assessment. No. 8 of 1897, s. 163.

Date of completion of assessment

128. Each assessor shall make and complete and deliver his roll to the secretary-treasurer of the municipality in each year on or before the first day of May or such prior day as the council may prescribe by bylaw with his affidavit thereto or indorsed thereon made before a justice of the peace in the following form:

I, , do swear that I have in the within (*or* annexed) assessment roll and statement attached assessed the municipality of (*or* part *as the case may be naming the part*) according to law to the best of my skill and ability, and without favour.

Sworn before me at
this day of A.D.
J.P.

Assessor.

No. 8 of 1897, s. 164.

Rural municipalities Triennial assessments

129. The council of any rural municipality may by resolution decide that an assessment may be used to strike rates therefrom for three years consecutively and no longer:

Proviso for appeals

Provided that in each year when a new assessment roll shall not be ordered the council shall by notice published in at least one issue each week for three consecutive weeks of any newspaper published within the municipality or if there be none published therein any newspaper published nearest to the

municipality fix a date when the council shall sit as a court of revision to hear appeals, to add to, strike off or alter the assessment roll of the last preceding year and such appeals shall be lodged with the secretary-treasurer of the said municipality within twenty-five days from the date of the said notice and the proceedings of the trial of such appeals shall be those hereinafter provided in section 135 of this Ordinance. No. 8 of 1897, s. 157.

COURT OF REVISION.

Court of revision

130. The mayor or reeve and council shall be the court of revision of all municipalities and a majority thereof shall be a quorum for the transaction of business. No. 8 of 1897, s. 165.

Quorum

Clerk of court

131. The secretary-treasurer of the municipality shall be the clerk of the court of revision and shall record all the proceedings thereof. No. 8 of 1897, s. 166.

May adjourn

132. The court may meet and adjourn from time to time and may be summoned to meet at any time by the mayor or reeve of the municipality and all the duties of the court of revision shall be completed before the first day of July in each year. No. 8 of 1897, s. 167; No. 26 of 1898, s 1. (30).

Completion of duties

Evidence on oath

133. All evidence before the court of revision shall be taken on oath and any member shall be competent to administer the oath to any person giving evidence before the court and the clerk of the court may when required issue a summons to any witness to attend such court and if any person so summoned as a witness fails without good and sufficient reason to attend (having been tendered compensation for his time at the rate of $1 per day and mileage at the rate of ten cents per mile where a railway is not available, or actual railway fare) he shall on summary conviction thereof incur a penalty not exceeding $50. No. 8 of 1897, s. 168.

Nature of complaints to be tried

134. The court shall try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low or in regard to any property of any person which has been misdescribed or omitted from the roll or in regard to any assessment which has not been performed in accordance with the provisions and requirements of this Ordinance as the case may be. No. 8 of 1897, s. 169.

Proceedings

135. The proceedings for the trial of complaints shall be as follows:

Notice of appeal

1. Any person assessed within the municipality who considers himself aggrieved for any or all of the causes hereinafter referred to may within twenty-one days after the time fixed for the return of the roll give notice in writing to the secretary-treasurer of the municipality that he considers himself so aggrieved naming the complaints and the grounds of appeal and upon what property;

Appeal as to

2. If any ratepayer within the municipality thinks that any

third party

person has been assessed too high or too low or has been wrongfully inserted in or omitted from the assessment roll or that the property of any person has been misdescribed or omitted from the roll or that the assessment has not been performed in accordance with the provisions and requirements of this Ordinance the secretary-treasurer shall on his request in writing give notice to such person and the assessor of the time when the matter will be tried by the court and the matter shall be decided in the same manner as complaints by a person assessed ;

List of appeals and date of hearing to be published

3. The clerk of the court shall post up in some convenient place within the municipality a list of all complaints by persons on their own behalf against the assessor's return and of all complaints on account of assessment or want of assessment of other persons stating the names both of the complainant and of the party complained against with a concise description of the matter complained of together with an announcement of the time when the court will be held to hear the complaints ; and no alteration shall be made in the roll unless under a complaint formally made according to the above provisions ;

No alteration unless on complaint

Omissions discovered subsequently

4. If at any time before the first day of December it shall be discovered that the property or income of any taxable person or part thereof has been omitted from the roll the secretary-treasurer shall notify such taxable person if he resides or has a place of business within the municipality that at a meeting of the council to be held at least six days after such notice an application will be made to the said council to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend such meeting to show cause why the said taxable property should not be assessed and as to the amount the same should be assessed for ;

Service of notice

5. If such taxable person does not reside or have a place of business in the municipality then such notice shall be posted by registered letter to the post office address of such person fifteen days before such meeting of the council ;

Assessment of omitted person

6. After such notices have been served or posted as aforesaid and after the expiration of the time mentioned therein or if such taxable person be not known then without any notice the council may assess such taxable property and direct the secretary-treasurer to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known :

Provided always that the provisions of sections 136, 137 and 138 hereof as to appeal shall apply to any such assessment ;

Entry on tax roll

7. Immediately after such assessment shall be made as aforesaid the secretary-treasurer shall place the same on the tax roll at the end thereof and shall rate the same of the same ratio as the rest of the said roll and thereafter the same shall be collectable in the same manner as the rest of the taxes ;

List of complaints for assessor

8. The secretary-treasurer shall cause to be left at the residence of each assessor or addressed to each said assessor by registered letter to his post office address a list of all complaints respecting his roll ;

9. The secretary-treasurer shall also prepare a notice in the form following for each person with respect to whom a complaint has been made: Notice to parties in appeal

Take notice that you are required to attend the court of revision for the Municipality of at on the day of in the matter of the following appeal: appellant. That you are assessed too high *or* too low *or* not a *bona fide* resident *or as the case may be.*

(*Signature*) Secretary-treasurer.

and every such notice shall be posted by a registered letter to the post office address of such person as entered on the assessment roll fifteen days before the sitting of the court unless such person has a place of business within the municipality in which case the secretary-treasurer shall cause the said notice to be served at such place of business at least six days before the sitting of the said court;

10. Persons complained against may appear before the court in person or by agent; Appearance in person or by agent

11. The court after hearing the complainant and the party complained against and any evidence adduced, as well as the assessor, shall determine the matter and confirm or amend the roll accordingly; Hearing and determination

12. If either party fails to appear either in person or by agent the council may proceed *ex parte.* No. 8 of 1897, s. 170; No. 26 of 1898, s. 1 (31). *Ex parte* proceeding

136. The roll as finally passed by the court and certified by the secretary-treasurer as passed shall except in so far as the same may be further amended on appeal to a judge be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect or error or misstatement in the notice required by subsections 4 and 5 of the foregoing section of this Ordinance or the omission to deliver or transmit such notice. No. 8 of 1897, s. 171. Revised roll final subject to appeal

APPEAL FROM COURT OF REVISION.

137. An appeal to a judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal. No. 8 of 1897, s. 172. Appeals to judge

138. In all cases of appeals under the provisions of the preceding section the proceedings shall be as follows: Appeal proceedings

1. The person appealing shall in person or by agent serve upon the secretary-treasurer of the municipality within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge; Notice of appeal

2. The secretary-treasurer shall immediately after the time limited for filing notice of appeals forward a list of the same Secretary-treasurer to notify judge

to the judge usually exercising jurisdiction in the judicial district of which such municipality forms a part or if such municipality forms part of more than one judicial district then to the judge whose official residence is nearest the municipality and such judge shall fix a day for the hearing of such appeal;

Notice to parties

3. The secretary-treasurer shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the court of revision but in the event of failure by the secretary-treasurer to have the required service in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit:

Notice of appeals to be posted

4. The secretary-treasurer of the municipality shall cause a conspicuous notice to be posted up in his office or the place where the council of the municipality holds its sittings containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals;

Clerk of court

5. The secretary-treasurer of the municipality shall be the clerk of such court;

Hearing and determination

6. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals may be determined before the first day of September;

Production and amendment of roll

7. At the court to be holden by the judge to hear the appeals hereinbefore provided for the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the decision is not then given the secretary-treasurer of the municipality shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction;

Judge's powers

8. In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the Supreme Court;

Title of proceedings

9. All process or other proceedings in, about or by way of appeal may be entitled as follows:

In the matter of appeal from the court of revision of the municipality of

A.B.,
Appellant,
and
C.D.,
Respondent;

Cost of proceedings

10. The costs of any proceedings before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the Supreme Court or in the same manner as upon an ordinary judgment for costs recovered in such court;

Taxation

11. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

Decision final

12. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the council. No. 8 of 1897, s. 173.

SINGLE TAX.

Single tax

139. The council of a municipality may by bylaw authorise the levying and collecting of a rate or rates of so much on the dollar based upon the actual value of all lands (without improvements) in the municipality as the council deems sufficient for the current year to raise the sum required in their estimates but in no case shall the rate imposed exceed four cents on the dollar of the assessment in any one year including general, school, special and debenture rates. No. 8 of 1897, s. 149.

Optional

140. The adoption of the preceding section by any municipality shall be optional, which must be decided by a two-thirds majority of the members of the council; or upon receipt of a petition signed by one-half of the resident ratepayers of the municipality the council shall adopt and carry into effect the provisions of the preceding section. No. 8 of 1897, s. 150.

Permanent on petition

141. This system of assessment shall become permanent after a petition signed by one-half of the resident ratepayers has been presented for two years in succession. On a petition signed by one-half of the resident ratepayers the trustees shall direct the assessor to revert to the former system of taxation. No. 8 of 1897, s. 151.

ESTIMATES.

Estimates

142. The council of every municipality shall every year

on or before the fifteenth day of July make estimates of all sums which may be required for the lawful purposes of the municipality for the year or that part thereof for which sums are required to be levied making due allowance for the cost of collection and abatement and losses which may occur in the collection of taxes on the lands of nonresidents. No. 8 of 1897, s. 147.

RATES.

Rates

143. The council of the municipality shall pass a bylaw authorising the levying and collecting of a rate or rates of so much in the dollar of the assessed value of the property therein as the council deems sufficient to raise the sum required in such estimates including improvement tax, general fund, local fund and school rates together with interest on the debt and sinking fund and shall not exceed two and a half cents on the dollar except as provided for in section 139 hereof. No. 8 of 1897, s. 148.

Tax roll

144. The secretary-treasurer shall on or before the first day of September in each year prepare a tax roll containing columns for all information required by this Ordinance to be entered therein in which he shall set down in full the name of every person assessed, his post office address and the assessed value of his real and personal property and taxable income as ascertained from the assessment roll as finally revised; he shall calculate and set down opposite each such entry in columns headed "General fund," "Debenture fund," "School fund," "Statute labour fund" as the case may be, the sum for which such person or property is chargeable on account of each rate and under the column headed "Arrears of taxes" the sum which may appear on the books of the municipality as arrears on such parcel of land at that date: and in the column headed "Total" the total amount of taxes for which each parcel of land is liable. No. 8 of 1897, s. 116: No. 26 of 1898 s. 1 (25).

Taxes due 1st January

145. All taxes shall be considered to be due on the first day of January of the year in which the same are levied. No. 8 of 1897, s. 187.

Tax notice

146. The secretary-treasurer shall on or before the first day of October in each year, transmit by mail a notice containing a statement and demand of taxes to each person whose name appears on said roll or to the agent of such person whose address has been transmitted to him and such statement and demand shall state the time such taxes are required to be paid and dates on which any reductions and penalties authorised by the council shall be allowed or charged as the case may be; and the secretary-treasurer shall enter the date of mailing such notice in said tax roll opposite the name of the person taxed and such entry shall be *prima facie* evidence of the mailing of such notice and demand. No. 8 of 1897, s. 117.

Seizure may be made

147. In case any person neglects to pay his taxes for thirty days after such demand as aforesaid the secretary-treasurer

may by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods and chattels in his possession wherever the same may be found within the municipality or of any goods or chattels found on the premises the property of or in the possession of any other occupant of the premises and may impound the same on the premises where distrained and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of sale thereof; but any such distraint shall be made on or before the 30th day of December in each year. No. 8 of 1897, s. 118; No. 26 of 1898, s. 1 (26).

Demand of income tax from employer

148. In case any person neglects or refuses to pay any income tax when demanded by the secretary-treasurer the secretary-treasurer shall then demand from the employer or employers of the person so neglecting or refusing the amount due for such income tax and the person paying the same shall deduct the amount so paid from the salary or wages due the person so neglecting or refusing and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the secretary-treasurer if they fail to deduct the same from the salary or wages due the person employed. No. 8 of 1897, s. 119.

Notice of sale

149. The secretary-treasurer shall by advertisement over his hand posted up at three public places within the municipality within which the sale of goods and chattels distrained is to be made give at least six days' public notice of the time and place of such sale and of the land on which the same was distrained; and at the time named in the notice the secretary-treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes including costs and charges allowed by this Ordinance. No. 8 of 1897, s. 120.

Disposal of surplus

150. If the property distrained has been sold for more than the amount of taxes and costs and if no claim for the surplus has been made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or right to the surplus such surplus shall be returned to the person in whose possession the said property was when the distress was made or if such claim be made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant. No. 8 of 1897, s. 121.

In case of dispute surplus held pending

151. If the claim is contested such surplus money shall be paid into the general fund of the municipality and shall be retained until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Ordinance. No. 8 of 1897, s. 122.

Taxes Recovery as a debt

152. Taxes may be recovered with interest and costs as a debt due to the municipality in which case the production of

a copy of so much of the tax roll as relates to the taxes payable by such person purporting to be certified as a true copy by the secretary-treasurer of the municipality shall be *prima facie* evidence of the debt. No. 8 of 1897, s. 123.

Evidence

Costs allowed

153. The costs chargeable for distress and sale shall be as follows:

Mileage going to and returning from place of seizure each mile necessarily travelled	$0 10
Seizure	1 00
Taking care of property, the sum actually disbursed not exceeding $1.50 per day.	
Notices of sale and posting up	1 00
For selling, 5 per cent. of the amount realised not exceeding the amount of the taxes. No. 8 of 1897, s. 124.	

Statement of taxes collected and in arrear

154. On or before the tenth day of January in each year the secretary-treasurer shall make a return showing the total amount of taxes collected on the tax roll of the preceding year specifying the separate amounts that should be credited to the different funds for which a rate had been ordered to be struck by the council also an abstract of the tax roll showing the names and addresses of all persons whose taxes have not been paid and the total amount due for each parcel of land assessed to each such delinquent and he shall submit such return to the council at its first meeting thereafter and shall verify such return by the following declaration:

Declaration of secretary-treasurer

I, , secretary-treasurer of the municipality of do solemnly declare as follows:

1st. That the return herewith submitted contains a true statement of the taxes collected by me on the tax roll of the year;

2nd. That I have deposited the sums so collected in the bank as directed by resolution of the council;

3rd. That I have made diligent inquiry and have been unable to discover within the limits of the municipality sufficient goods or chattels belonging to or in the possession of the persons charged with or liable to pay any sums that appear in the list of unpaid taxes herewith submitted whereon I could levy any part of the taxes due.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at the day of 1 . No. 8 of 1897, ss. 125, 126.

Suitable books to be provided

155. The council of every municipality shall provide a book suitably ruled to be called the tax register in which shall be kept a list of all lands in arrears for taxes and the amount of such arrears and an official receipt book from which the

secretary-treasurer shall issue a receipt for every sum of money received by him on account of arrears of taxes and the secretary-treasurer shall note on the stub of each receipt the name of the person making payment, the amount paid and date of payment. No. 8 of 1897, s. 127.

Arrears of taxes

156. As soon as possible after the first day of January in each year the secretary-treasurer shall add any unpaid taxes (not including any arrears that may have been included in the total) that may appear on the tax roll of the preceding year against any piece of land to the arrears of taxes already charged in the tax register and also six per centum on the whole amount then due:

Proviso

Provided that in case any land shall have been advertised for sale but for any reason has not been sold the proportionate cost of advertising authorised by section 183 of this Ordinance shall be included as part of the arrears chargeable to such land. No. 8 of 1897, s. 128; No. 26 of 1898, s. 1 (27).

Arrears to be included as one sum

157. The secretary-treasurer shall not be required to keep a separate account of the several distinct rates which may be charged on lands but all arrears from whatever arising shall be taken together and form one charge on the land. No. 8 of 1897, s. 129.

Payment of proportionate amount of tax

158. The secretary-treasurer of any municipality shall not receive any part of the arrears charged against any parcel of land less than the taxes for one year thereon with accrued interest but if satisfactory proof is adduced to the secretary-treasurer that any parcel of land on which taxes are due had been subdivided he may receive the proportionate amount of tax chargeable upon any of the subdivisions and leave the other subdivision or subdivisions chargeable with the remainder; and the secretary-treasurer may in his books divide any piece or parcel of land which has been returned to him in arrears of taxes into as many parts as the necessities of the case may require. No. 8 of 1897, s. 130.

Substitute may be appointed for secretary-treasurer

159. In case the secretary-treasurer fails or omits to collect the taxes or any portion thereof by the day appointed the council of the municipality may by resolution authorise some other person in his stead to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes. No. 8 of 1897, s. 131.

Secretary-treasurer's commission

160. The secretary-treasurer shall in addition to the salary allowed him by the council be entitled to receive a commission of 2½ per cent. on all moneys paid him on account of arrears of taxes that have not been paid before the return under section 154 hereof for the year in which they became due has been made which shall be collected from the party paying the arrears of taxes at the time: and the said commission shall not apply or be chargeable where lands may be advertised for sale

or sold by him for arrears of taxes. No. 8 of 1897, s. 132: No. 26 of 1898, s. 1 (28).

Books Manner of keeping

161. The secretary-treasurer shall keep regular books of accounts in such manner as may be directed from time to time by the council and shall show faithfully all moneys received and how expended having each item posted in the ledger to the separate accounts of receipt and expenditure as agreed upon by the council in making their estimates for the year or as directed by the council and he shall exact and retain vouchers for all moneys paid and he shall prepare and submit to the council at least once in every month a correct statement of the moneys received and for what paid out and the balance at the credit of the municipality. No. 8 of 1897, s. 133.

Secretary-treasurer shall apportion and deposit taxes

162. The secretary-treasurer shall at least once in each month apportion all taxes collected by him whether received from the tax roll of the current year or the tax register; and he shall credit each account in his book with the respective amount collected and forthwith deposit the total amount collected as required by section 111 of this Ordinance. No. 8 of 1897, s. 134.

Secretary-treasurer to give statement of arrears

163. The secretary-treasurer shall on demand give to the owner of any land charged with arrears of taxes a written statement of the arrears at that date certified under his hand and he may charge twenty cents for the search on each separate lot or parcel not exceeding four and for every additional ten lots or parcels a fee of twenty cents. No. 8 of 1897, s. 135.

Disposal of sinking fund

164. It shall be the duty of the secretary-treasurer to see that moneys collected under bylaw for the purpose of payment of interest on debentures issued by the municipality or providing for a sinking fund for the same are properly applied.

Diversion from proper account

(2) In the event of the council of any municipality diverting any of said moneys for such current or other expenditures save as aforesaid the members who vote for the diverting of such moneys shall be personally liable for the amount so diverted and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same shall be disqualified for holding any municipal office for the period of two years. No. 8 of 1897, s. 136.

POLL TAX.

Poll tax Exceptions

165. Except members of Her Majesty's naval or military force on full pay or on actual service or of the North-West Mounted Police force or of a fire company duly organised by bylaw of the municipality every male inhabitant of a town municipality of the age of twenty-one years and upwards who has resided in the said town for a period of two months or more and has not been assessed on the assessment roll of the municipality shall be taxed at $2 yearly.

(2) Persons residing within two miles of a town municipality who have a place of business therein and whose names are not on the assessment roll or who receive employment and are paid wages or salary therein are hereby liable to pay poll tax subject to the provisions of this Ordinence. No. 8 of 1897, s. 185.

Collection of poll tax

166. Any person liable to pay taxes imposed by the next preceding section shall pay the same to a collector appointed by bylaw of the council of the municipality to collect the same, within three days after the demand thereof by the said collector; and in case of neglect or refusal to pay the same within such time the said collector may levy the same by distress and sale of the goods and chattels of the defaulter with costs of the distress and sale;

Demand from employers

Provided that in case any person neglects or refuses to pay the poll tax when demanded by the collector the collector shall then demand from the employer or employers of the person so neglecting or refusing, the amount due for such poll tax and the person paying the same shall deduct the same so paid from the salary or wages due to the person so neglecting or refusing and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the collector if they fail to deduct the same from the salary or wages due to the person employed. No. 8 of 1897, s. 186.

SCHOOL TAXES.

Collection of school rate

167. The trustees of any school district, any portion of which is situated within a municipality, may demand of the council of the municipality that the amount for which the school district or the part thereof situated within the municipality is liable for school purposes shall be imposed and collected by the municipality and the land and other property of persons liable for such amounts shall be assessed and the same shall be collected as other rates by the municipality. No. 8 of 1897, s. 152.

Deficiency in

168. If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any fund belonging to the municipality except sinking funds to retire debentures. No. 8 of 1897, s. 153.

How supplied

169. If there be no unappropriated funds the deficiency may be deducted from the sums estimated as required or from any one or more of them but not from the estimates supplied by the school trustees. No. 8 of 1897, s. 154.

Surplus

170. Should the amount collected exceed the estimates the sum in excess shall be paid over to the treasurer of the school board. No. 8 of 1897, s. 155.

Surplus of special tax

171. In cases where the amount collected has been on account of some special purpose and is not required for such

purpose it shall also form part of the general fund of the municipality. No. 8 of 1897, s. 156.

ROAD OVERSEERS AND STATUTE LABOUR.

Road overseer's lists

172. In the event of the municipal council failing to collect a statute labour tax as hereinafter provided the secretary-treasurer of every rural municipality shall within one week after the final revision of the assessment roll deliver to the road overseer or road overseers appointed by the council a list of all parties assessed and liable for statute labour within their respective divisions and the amount of statute labour for which each of such parties is liable. No. 8 of 1897, s. 174.

Duties of road overseer

173. It shall be the duty of the road overseer so soon thereafter as convenient after having received from the secretary-treasurer of the municipality a list of parties liable for the performance of staute labour to notify and require them respectively to meet him at a certain time and place to perform the labour imposed upon them by the council but no person shall be compelled to do statute labour further than four miles from his home. No. 8 of 1897, s. 175.

Labour, how performed

174. All statute labour imposed by this Ordinance shall be performed under the direction of the road overseer who shall be liable to the council for the due performance of the same and shall report to the council any refusal or neglect of parties assessed to perform the labour imposed upon them. No. 8 of 1897, s. 176.

Labour, where performed

175. All statute labour to be done under this Ordinance shall be performed on the public roads of the municipality or on the bridges, drains or ditches therein to benefit and improve the same or as may be determined by the council. No. 8 of 1897, s. 177.

Amount due by each person

176. Every person assessed upon the assessment roll of a rural municipality shall be liable to perform two days' statute labour for each quarter section of land for which he is assessed and in any portion of a rural municipality divided into lots every person assessed shall, if his property be assessed at not more than $300, be liable to perform one day's statute labour and for every $500 or part thereof in excess of said sum, an additional day's statute labour and every male inhabitant of a rural municipality of the age of twenty-one years or upwards and under the age of sixty years whose name is not on the last revised assessment roll shall be liable to one day's statute labour, provided that he shall have resided in such municipality for not less than two months. No. 8 of 1897, s. 178.

Proviso

Labour deemed to be commuted and amount collectable as taxes

177. Every person liable to statute labour as hereinbefore provided who refuses or neglects to perform the statute labour for which he is liable when ordered to do so by the overseer shall be deemed to have commuted the same at the rate of

$1.25 per day and the amount of the commutation shall be a charge and shall be collectable against real property, goods and chattels as other rates. No. 8 of 1897, s. 179.

Council may commute for a term of years

178. The council of any rural municipality may by bylaw commute the statute labour of any person or persons resident within the municipality with regard to any certain specified property for a term of years in consideration of statute labour to be performed in any one year. No. 8 of 1897, s. 180.

Penalty for nonpayment of commutation money

179. Any person liable to pay any sum for statute labour commuted as aforesaid shall pay the same to the collector appointed to collect the same within seven days after the demand thereof by the said collector and, in case of neglect or refusal to pay the same, the collector may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of the distress and sale, and if no sufficient distress can be found then upon summary conviction before a justice of the peace of his refusal or neglect to pay the said sum and of there being no sufficient distress and in default of payment at such time as the convicting justice may order, such defaulter shall be committed to the lockup house of the municipality or to the nearest common gaol and be there put to hard labour for any time not exceeding ten days unless such penalty and costs and costs of the warrant of commitment and of conveying the said person to gaol be sooner paid. No. 8 of 1897, s. 181.

May substitute money tax

180. Any municipality may by bylaw provide that instead of statute labour as herein provided a special tax to be called the statute labour tax may be collected not exceeding $1.25 per day for each day for which any person is liable under section 176 of this Ordinance. No. 8 of 1897, s. 182.

Persons liable must notify overseer of intention to commute

181. Every other person liable for the performance of statute labour under this Ordinance shall within fourteen days after the final revision of the assessment roll notify the secretary-treasurer of the municipality in writing of his intention to commute the same by the payment as hereinbefore provided or failing so to do he shall be bound to perform the amount of statute labour imposed upon him as the road overseer may direct but he shall not be compelled to go further from his home than four miles to do said labour. No. 8 of 1897, s. 183.

Part IV.

Sale of Land for Taxes.

ADVERTISEMENT AND SALE.

List of lands in arrear

182. Whenever any portion of taxes on any land has been due for two years the secretary-treasurer shall submit to the mayor or reeve as the case may be a list of all the lands in his books on which taxes are so due with the amount of arrears against each lot set opposite to the same and the mayor or reeve shall authenticate such list by affixing thereto the seal of the corporation and his signature and shall return such list to the secretary-treasurer with a warrant thereto annexed under his hand and the seal of the municipality commanding him to levy upon the land for the arrears due thereon with costs and the said secretary-treasurer is hereby authorised to sell the same. No. 8 of 1897, s. 184.

Warrant for sale of

Costs to be added and notice published

183. The secretary-treasurer shall prepare a copy of the list of lands to be sold as authorised by this Ordinance and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the municipality and, if there is no newspaper published therein, then in the newspaper published nearest to the municipality; and for the next following five consecutive weekly issues of said newspaper preceding the day of sale therein named shall publish a notice therein in form following

Sale of lands in the (*fill in proper title*) for arrears of taxes.

Notice is hereby given that certain lands in the (*fill in proper title*) will be offered for sale for arrears of taxes (*stating the day, time and place where and when the said lands are to be sold and the dates of the issues of said newspaper in which a full list of said lands may be found*).

and shall also publish a similar notice in *The North-West Territories Gazette* during the said nine weeks. No. 8 of 1897, s. 188.

Advertisement, contents

184. The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid the secretary-treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement. No. 8 of 1897, s. 190.

Advertisement, contents

185. Every such notice shall specify the place, day and hour at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes. No. 8 of 1897, s. 191.

Lands omitted may be sold later

186. All the lots liable for sale in the municipality shall be included in the same statement and notice but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon. No. 8 of 1897, s. 192.

Date of sale

187. The day of sale shall not be more than forty days after the last publication as hereinbefore provided and the sale shall take place at such place in the municipality as the council shall from time to time by resolution appoint and, in the absence of such appointment, at such place in the municipality as the secretary-treasurer in his said notice shall name. No. 8 of 1897, s. 193.

Sale may be adjourned

188. The secretary-treasurer may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days. No. 8 of 1897, s. 194

Proceedings at sale

189. At the place, day and hour appointed for the sale of lands (if the taxes thereon including costs and charges have not previously been paid) the secretary-treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price, there being no higher bidder, but subject to redemption as hereinafter provided for. No. 8 of 1897, s. 195.

Sale to municipality

190. If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the secretary-treasurer shall there and then sell the same to the municipality at the upset price. No. 8 of 1897, s. 196.

Payment of purchase money

191. If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchase money shall not be so paid by the purchaser, his heirs or assigns, within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer or conveyance thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale. No. 8 of 1897, s. 197.

Purchaser failing to pay, resale

192. If the purchaser of any parcel of land fails immediately to pay the secretary-treasurer on account of said purchase the amount claimed for arrears of taxes and charges the treasurer shall forthwith again put up the property for sale. No. 8 of 1897, s. 198.

Certificate to purchaser

193. The secretary-treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the secretary-treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of $2 for said transfer. No. 8 of 1897, s. 199.

Purchaser's rights

194. The purchaser shall on receipt of the secretary-treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which the lands may be redeemed. No. 8 of 1897, s. 200.

List of land sold to be kept for inspection

195. A statement of the lands so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made out and signed by the secretary-treasurer in duplicate and one copy shall be kept by the secretary-treasurer and the other delivered to the mayor or reeve and either of the said lists may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired. No. 8 of 1897, s. 201 ; No. 26 of 1898, s. 1 (32).

REDEMPTION.

Redemption of lands sold

196. The owner of any land which may hereafter be sold for taxes or his heirs, executors, administrators or assigns or any other person on his or their behalf but in his name only may at any time within one year from the date of sale exclusive of that date redeem the real estate sold by paying to the secretary-treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per cent. thereon and any further sum which shall have been levied against said land and paid by the purchaser before date of redemption and the secretary-treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipt shall be evidence of the redemption. No. 8 of 1897, s. 202.

Date of redemption

197. For the purpose of this Ordinance the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day. No. 8 of 1897, s. 203.

Purchaser's rights cease on redemption

198. From the time of payment to the secretary-treasurer of the full amount of redemption money required by this

Ordinance all rights and interests of the purchaser shall cease. No. 8 of 1897, s. 204.

Receipt when redemption by person unauthorised

199. Whenever such redemption is effected by a person not specially authorised the secretary-treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made and every redemption receipt shall be made out in duplicate; one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the secretary-treasurer. No. 8 of 1897, s. 205.

Notice to purchaser

200. The secretary-treasurer shall also immediately after the redemption of any land give notice by registerd letter to the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purpose. No. 8 of 1897, s. 206.

TRANSFER ON NONREDEMPTION.

On non-redemption transfer may issue

201. If the land be not redeemed within the period allowed by this Ordinance then on demand of the purchaser, his heirs or assigns or other legal representatives at any time within one month after the expiration of the time limited for the redemption upon payment of the balance of purchase money as aforesaid and of the further sum of $2 the secretary-treasurer shall prepare and execute and deliver to him or them a transfer of the land sold provided that any land sold to the municipality under the provisions of this Ordinance as hereinbefore provided shall be transferred to the municipality by the secretary-treasurer of the municipality immediately on the expiration of the time allowed for the redemption, without charge; such transfer shall be in form G given in the schedule to this Ordinance or to the same effect and shall state the date and cause of sale and the price and shall have the effect of vesting the land in the purchaser, his heirs, assigns and other legal representatives in fee simple or otherwise according to the nature of the estate sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear. No. 8 of 1897, s. 207 : No. 26 of 1896, s. 1 (33).

Tax transfer cancels all prior claims

202. Such transfer shall not only vest in the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the municipality or Crown, and whenever lands are sold for arrears of taxes, and the secretary-treasurer shall have given a transfer thereof, such transfer shall, notwithstanding any informality or defect in or preceding such sale, be valid and binding to all intents and purposes, except as against the Crown.

Proviso

Provided that every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land therein described; also that all the steps and formalities necessary for a valid sale had been taken and observed as provided by the Ordinance in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

(*a*) That the sale was not conducted in a fair, open and proper manner;

(*b*) That there were no municipal taxes whatever in arrear for which the said land could be sold;

(*c*) That the said land was not liable to be assessed for municipal taxes. No. 8 of 1897, s. 208.

Title in Crown

203. When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognise or admit that any person possesses under any colour of right whatever; and the municipality in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the secretary-treasurer and legal interest thereon as for damages or otherwise. No. 8 of 1897, s. 189.

Invalid sales Liability of municipality

TAX SALE FUND.

Tax sale fund

204. The secretary-treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes, and not redeemed and shall enter in the book the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called the tax sales fund and the secretary-treasurer shall in the month of January in each year and on request at any other time, furnish a statement to the council, giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the secretary-treasurer for six years from the day of sale of the land of the purchase money of which it forms a part, without any notice of claim or order for payment having been served on him as hereinafter provided, said portion or sum so remaining unclaimed shall have been forfeited and thereafter be the absolute property of the municipality and the said municipality shall for ever be discharged from any claim on account thereof. No. 8 of 1897, s. 209.

Surplus may be claimed

205. Any person claiming to have been the owner, heir, assignee or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive

the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned provided that written notice is served upon the secretary-treasurer previous to the time limited for forfeiture and upon producing and leaving with the secretary-treasurer within six months from the date of service of such notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the heir, executor, assignee or legal representative of the said owner or otherwise interested in the said land and requiring the municipality to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the secretary-treasurer and shall be the warrant and authority for making such payment. No. 8 of 1897, s. 210.

Evidence of right to surplus

206. In seeking to obtain a judge's order any claimant upon said fund shall in person or by advocate petition the judge in writing for that purpose describing the land sold and setting forth the particulars of said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge, and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim and the said judge may in his discretion require the claimant to serve a notice of his application upon the municipality or publish the same in any manner he may deem proper or substantiate his claim in any other manner and the judge may in his discretion order said money to be paid into the Supreme Court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the secretary-treasurer. No. 8 of 1897, s. 211.

Fees payable

207. The same fees shall be paid upon an application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or procedure. No. 8 of 1897, s. 212.

Costs, how payable

208. In any case where the judge deems it advisable to order notice to be served upon the municipality he shall in the final decision of the question if the claimant is successful order the costs of the municipality to be paid out of the fund in question and in case the claimant fails shall order execution to issue against him from the said court, after taxation, for the costs of the municipality. No. 8 of 1897, s. 213.

Claimant admits validity of sale

209. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be considered an admission of the validity of the sale of the lot in question by the claimant and the said claimant and all claiming

by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid. No. 8 of 1897, s. 214.

Pending suit questioning sale
Surplus not to be forfeited

210. In case of any suit or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of said sale, being the time within which only any such action can be brought or proceeding taken for that purpose, the plaintiff shall within ten days after commencing his action or proceeding cause the secretary-treasurer to be notified in writing of the fact of his action or proceeding having been commenced and the secretary-treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action or proceeding shall or may be tried and in case the plaintiff succeeds the judge or court shall order said surplus repaid to defendant, the tax sale purchaser or his proper representatives, and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of said land and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance then in such case the judge or court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by said plaintiff of such costs of the defendant as he may have been ordered to pay;

(2) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificates of title have not been granted. No. 8 of 1897, s. 215; No. 26 of 1898, s. 1 (34).

TAX SALES. LIABILITY OF MUNICIPALITY.

Liability of municipality limited

211. In no case shall the municipality be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom in any way further than, in case of sale held void by a competent court, refunding to the purchaser the amount of money actually received with legal interest. No. 8 of 1897, s. 216.

Part V.

Bylaws for Creating Debts and Exempting from Taxation.

INTRODUCTION AND FORM OF BYLAWS.

Special rate in particular area

212. In case the majority of the resident ratepayers of any portion of a municipality divided into lots petition the council thereof setting forth the desire of such resident ratepayers to incur a debt or liability repayable in the financial year, the council may by bylaw levy a special rate against all the property within the area (which shall be described in the petition) as set forth in such petition and such rate shall be collectable as all other rates assessable by the municipality. No. 8 of 1897, s. 99.

Bylaws for creating debt

213. Every municipality may subject to the following provisions pass bylaws for contracting debts by borrowing money or otherwise and for levying rates for the payment of such debts on the ratable property of the municipality for any purpose within the jurisdiction of the municipality or on roads and bridges or waterworks outside the limits of the municipality :

Limit

Provided that no municipality shall have power to pass such bylaws for contracting debts to a greater extent than ten per cent. of the assessed value of the assessable property in the said municipality. No. 8 of 1897, s. 217 ; No. 26 of 1898, s. 1 (35).

Must have assent of two-thirds of ratepayers voting

214. Bylaws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed within the financial year shall before the final passing thereof receive the assent of two-thirds of the duly qualified ratepayers voting thereon in the manner hereinafter provided. No. 8 of 1897, s. 218.

Petition of ratepayers for introduction of bylaw

215. No bylaw for granting bonuses to manufactories, mills, railways or any works of a public nature or guaranteeing the payment of debentures of companies to assist them in the operation of elevators, for exemption from taxation for a longer period than one year or for building, owning or operating grist mills, elevators and manufacturing establishments or subscribing for stock therein shall be introduced or entertained by the council except on a petition of one-half the resident ratepayers of the municipality ; and all such bylaws shall before the final passing thereof receive the assent of two-thirds or more of the votes polled :

Provided however that upon the introduction of any such bylaw no informality in the proceedings prior to such introduction shall affect its validity. No. 8 of 1897, s. 219.

Term for repayment

216. If contracted for the purpose of subscribing for stock in a railway or street railway company or for granting a bonus in aid of a railway or street railway or of any undertaking for public lighting or draining or for supplying water to the inhabitants for fire or domestic purposes or for the purpose of constructing any public works the debt may be made payable within any period not exceeding, in the case of railways, forty years and in all other cases twenty years and no longer, from the date upon which the bylaw takes effect. In case any municipality shall already have been authorised by bylaw to borrow money for any of the purposes aforesaid the municipality may extend the time for the payment of the debentures to be issued in pursuance of such bylaw over the period authorised by this section although the same shall exceed the period named in the bylaw and for this purpose the municipality may reacquire any debentures already issued under any such bylaw and issue debentures in their stead extending over the longer period as aforesaid. No. 8 of 1897, s. 220.

Provisions of bylaw

217. The bylaw shall recite—

(*a*) The amount of the debt which such new bylaw is intended to create and in some brief and general terms the object for which it is to be created :

(*b*) The number of years over which such indebtedness is to be spread ;

(*c*) The amount of the whole ratable property according to the last revised assessment roll ;

(*d*) The total amount of the existing debt of the municipality outside of the debt due for the current expenses of the year ;

(*e*) A day not more than three months from the day on which the voting is to take place when the bylaw shall take effect ;

and the whole of the obligations to be issued for the debt authorised shall be dated as of the day on which the bylaw takes effect. No. 8 of 1897, s. 221.

Form of debenture

218. Debentures shall be in the form following or to the like effect :

(*Give full corporate name of municipality.*)

$.... Debenture No....

The municipality of promises to pay the bearer at the at the sum of dollars of lawful money of Canada in equal instalments from the date hereof with interest at the rate of per cent. per annum on the terms and in the amounts specified in the coupons attached hereto.

(Signed)..... .....
Mayor (*or* Reeve.)

.....
Secretary-treasurer.

Dated this day of 1

(*Coupons.*)

Coupon No....
Debenture No....

The Municipality of
will pay to the bearer at the bank of at on the day of 1 , the sum of dollars being the payment with the total interest at the rate of per cent. per annum due on that day on debenture No....

(Signed).....
(Mayor *or* Reeve.)

.....
Secretary-treasurer.

No. 8 of 1897, s. 222.

VOTING ON BYLAWS.

219. In case a bylaw requires the assent of the electors of the municipality before the passing thereof the following proceedings shall be taken for ascertaining such consent: Voting on bylaws

1. The council shall by the bylaw fix a day and hour for taking the votes of the electors and such places in the municipality as the council shall in their discretion deem best and shall name a returning officer and deputy returning officers to take the votes at each place where the votes are to be taken and the day so fixed for taking the votes shall not be less than three nor more than four weeks after the first publication of the proposed bylaw as hereinafter provided. No. 8 of 1897, s. 223.

220. The council shall before the voting thereon by the ratepayers publish a copy of the bylaw in some public newspaper published within the said municipality or, if there be no such newspaper, in some public newspaper near the municipality, which publication shall be continued in at least one number weekly of such newspaper for two consecutive weeks: and shall also put up a copy of the bylaw at four or more of the most public places of the municipality. No. 8 of 1897, s. 224. Publication of bylaw

221. Appended to each copy so published shall be a notice signed by the secretary-treasurer of the council stating that such copy is a true copy of a proposed bylaw which will be taken into consideration by the council after being voted on by the electors and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the electors. No. 8 of 1897, s. 225. Notice appended to bylaw published

222. At such day and hour a poll shall be taken and all proceedings thereat and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be as at an election for mayor and councillors. No. 8 of 1897, s. 226. Vote taken as at election of council

Form of ballots

223. The ballot papers shall be printed with "for the bylaw" and "against the bylaw" and shall be marked by the voter with a cross on the right side thereof opposite the words "for the bylaw" or "against the bylaw" as he may desire to vote. No. 8 of 1897, s. 227.

Time and place of summing vote to be stated

224. The council shall in the bylaw fix the time and place when and where the returning officer of the municipality shall sum up the number of votes given for or against such bylaw. No. 8 of 1897, s. 228.

Scrutineers

225. On the application of any person interested in promoting or opposing the passage of the bylaw the mayor or reeve shall authorise the attendance of one person on behalf of the party applying at each polling place and at the final summing up of the votes. No. 8 of 1897, s. 229.

Persons eligible to vote

226. Every ratepayer being a man, unmarried woman or widow shall be entitled to vote on any bylaw requiring the assent of the electors, who at the time of tendering the vote is of the full age of twenty-one years and is named on the last voters' list of the municipality and who has neither directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders and who is at the time of the tender a freeholder in his own right or whose wife is a freeholder of real property within such municipality and is rated on the last revised assessment roll as such freeholder for not less than $400. No. 8 of 1897, s. 230; No. 26 of 1898, s. 1 (36).

Oaths

227. Any ratepayer offering to vote on the bylaw may be required by the deputy returning officer or by any ratepayer entitled to vote on the bylaw to make, before his vote is recorded, the following oath or affirmation or any part thereof or to the effect thereof—

"You swear that you are of the full age of twenty-one years; that you are the person named as in the voters' list; that you are a freeholder in your own right (*or* your wife is a freeholder) of real property within the municipality and rated on the last revised assessment roll as such freeholder for not less than $400; that you have not voted before on the bylaw now before the electors; that you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender; (*In the case of an unmarried woman or widow claiming to vote*) that you are unmarried (*or* a widow *as the case may be*)." No. 26 of 1898, s. 1 (37).

Declaration of result

228. The returning officer after he has received certified returns from the deputy returning officers of the number of votes given at each polling place shall at the time and place appointed by the bylaw in the presence of the persons authorised to attend, or such of them as may be present, sum up from such statements the number of votes for and against

such bylaw and shall then and there declare the result and forthwith certify to the council under his hand whether the majority of the electors entitled to vote, who have voted upon the bylaw, approved or disapproved of the same. No. 8 of 1897, s. 232.

Final passing

229. Every bylaw which is carried by the required majority of the duly qualified electors who have voted thereon shall, within two weeks thereafter, be passed by the council which submitted the same. No. 8 of 1897, s. 233.

Assent of Lieutenant Governor in Council

230. All bylaws for contracting debts which do not provide for the payment thereof within the financial year shall receive the assent of the Lieutenant Governor in Council, after the passing thereof by the Council of the municipality, and the Order of the Lieutenant Governor in Council assenting to such bylaw shall be conclusive evidence that all necessary formalities in respect to the passing thereof have been complied with. No. 8 of 1897, s. 234; No. 26 of 1898, s. 1 (38).

Part VI.

Local Improvements and Assessments.

Local improvements

231. The term "local improvement" shall be taken to mean the opening, widening, straightening, extending, grading, levelling, macadamising, laying, paving or planking on any street or public lane, alley, way or place, sidewalk or bridge forming part of a highway; or the curbing, sodding or planting of any street or public lane, alley, square or other public way or place; or the making, deepening, enlarging or prolonging of any common ditch, drain or sewer; or the reconstructing, but not the mere repair and maintenance of any of the said works. No. 8 of 1897, s. 243.

Special frontage assessment

232. The term "special frontage assessment" shall be taken to mean a rate charged according to the lineal measure along the front of the several lands fronting on the street or place whereon or wherein the improvement is to be made for the purpose of paying for such local improvement which rate shall be computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet frontage of such lands on the street or place whereon or wherein the local improvement is to be made. No. 8 of 1897, s. 244.

Bylaw for

233. The municipal council of any town may pass bylaws:

1. For ascertaining and finally determining what portion if any of the cost of any local improvement should be borne by the municipality at large;

2. For assessing by way of a special frontage assessment the cost or a portion of the cost of any local improvement upon the lands fronting upon the street or place wherein or whereon the local improvement is to be made and for levying such cost or portion thereof by a special rate upon such lands;

3. For regulating the time or times and manner in which the rates for such improvements are to be paid;

4. For borrowing by way of temporary loan upon the credit of the municipality at large any moneys required to meet the cost of any local improvement provided that such temporary loan shall mature within six months from the making thereof: and for borrowing by the issue of debentures upon the credit of the municipality at large the moneys required to meet the cost of any local improvement or required to pay any temporary loan made for that purpose:

Provided that the amount of any such temporary loan or loans by way of debentures shall not increase the general debt of the municipality beyond the limits thereof fixed by any Ordinance in that behalf; and

Provided that such debentures shall mature within the probable life of the local improvement. No. 8 of 1897, s. 245.

Two-thirds of owners concerned must petition

234. No assessment or levy shall be made under any bylaw passed under clause 2 of section 233 of this Ordinance except upon petition to the council of at least two-thirds in number of the persons registered or assessed as owners of the lands fronting on the street or place whereon or wherein the improvement is proposed to be made representing at least one-half of the value of such land excluding improvements thereon. No. 8 of 1897, s. 246.

Council may grant petition wholly or in part

235. The request of the petition may be acceded to by the council either in respect of the whole or of a part of the street or place proposed to be improved :

Provided that part only of such street or place as described in the petition shall not be improved unless the petition is signed as is required by the last preceding section having regard only to the lands fronting on such part of the street or place. No. 8 of 1897, s. 247.

Completion of work

236. After the council has resolved to grant the request of any such petition in whole or in part as aforesaid it shall be lawful for the said council in the same or the succeeding year to carry on the proposed improvement or service to completion before making the assessment therefor and such petition so presented shall stand good as authority for undertaking any such improvement and making such assessment or assessments and passing all necessary bylaws whether the improvements shall have been or shall be undertaken and completed by the council to whom such petition is presented or by the council in the succeeding year. No. 8 of 1897, s. 248.

Appeal from assessment

237. There shall be a right of appeal against every assessment and rating made under the authority of any bylaw passed under the local improvement sections of this Ordinance to a court of revision to be composed of the mayor and council of the municipality and from such court of revision to a judge in the same manner and by the same procedure as nearly as may be as in case of an appeal from an ordinary assessment. No. 8 of 1897, s. 249.

Notice of proposed frontage tax

238. Notice of every proposed special frontage rate shall be given by the assessor to the persons registered or assessed as owners or addressed to the last post office address of each such owner known to the assessor of the municipality of every parcel of land to be charged therewith by registered letter, and according as the improvement has actually been made or is only contemplated, and the notice shall set forth :

(*a*) The probable lifetime of the proposed improvement as being the period over which the cost will be spread ;

(*b*) The probable or actual cost of the improvement ;

(*c*) The portion if any of the cost to be borne by the municipality at large ;

(*d*) The portion of the cost to be provided by special frontage assessment ;

(*e*) The frontage the property upon which the special frontage assessment is to be levied stated in lineal feet;

(*f*) The rates of special frontage assessment per foot frontage;

(*g*) The amount chargeable to each lot or parcel of land assessed according to the rate per foot frontage;

(*h*) The value of the land chargeable with the special frontage rate exclusive of all improvements thereon;

(*i*) The time fixed for the sittings of the court of revision for the hearing of appeals in respect of the assessment and proposed special rate; such sittings to be not earlier than fifteen days from the date of mailing of the notices. No. 8 of 1897, s. 250.

Record of mailing notice

239. A memorandum by the assessor in any proper book or roll kept for that purpose of the mailing of such notices and of the date thereof shall be *prima facie* evidence of the mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum. No. 8 of 1897, s. 251.

Decision of court of revision or judge to be final

240. The decision of the court of revision or of the judge if there be an appeal from the court of revision shall be final and conclusive upon all matters respecting the assessment and special rate and the court of revision and the judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice. No. 8 of 1897, s. 252.

Contents of bylaw

241. Every bylaw passed for borrowing money for local improvements shall recite:

(*a*) The amount of the debt which such bylaw is intended to create and the object in general terms for which it is to be created;

(*b*) The total amount required to be raised annually by special rate for paying the debt and interest under the bylaw;

(*c*) The total value of the land exclusive of improvements charged with the special assessment and if any portion of the debt is to be borne by the municipality at large the value of the whole ratable property according to the last revised assessment roll;

(*d*) The annual special rate per foot frontage for the paying of the interest and creating a yearly sinking fund for the payment of the debt or portion thereof not payable by the municipality at large as the case may be or for discharging the instalments of such principal and interest in case the debt is to be so payable and if any portion of the debt is to be borne by the muni-

cipalty at large the annual special rate in the dollar for the payment of the portion of the debt chargeable to the municipality at large or for discharging the instalments of such principal and interest as the case may be;

(*e*) That the debt is contracted on the credit and security of the municipality at large but as to so much as is not to be paid by the municipality at large the municipality is to collect the same only by way of special frontage tax as aforesaid. No. 8 of 1897, s. 253.

Assent of electors

242. No bylaw passed hereunder shall require the assent of the electors:

Provided however that if the council in any case of local improvement provides that more than one-third of the total cost of the improvements shall be paid by the municipality at large and such sum shall be greater than can be properly paid out of the current revenue of the year during which the improvement is made then and in every such case the council shall pass a separate bylaw for the portion of money to be provided by the municipality at large and said bylaw shall before being finally passed receive the assent of the electors in the manner hereinbefore provided. No. 8 of 1897, s. 254.

Part VII.

EXECUTIONS AGAINST MUNICIPALITIES.

Procedure on writs of execution in sheriff's hands

243. Any writ of execution against a municipality may be indorsed with the direction to the sheriff of the judicial district in which the municipality is, to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Copy writ to be delivered secretary-treasurer

Demands for payment

1. The sheriff shall deliver a copy of the writ and indorsement to the secretary-treasurer of the municipality with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Execution rate

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the municipality and shall in like manner as rates are struck for general municipal purposes strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Sheriff's precept to secretary-treasurer

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary-treasurer of the municipality and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary-treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Levy of special rate

4. At the time for levying the annual rates next after the receipt of such precept the secretary-treasurer shall add a column to the tax roll headed: "Execution rate in *A.B.* versus the municipality of———as the case may be" adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary-treasurer for the general purposes of the municipality;

Secretary-treasurer's percentage

6. In case the secretary-treasurer of any municipality against which an execution has issued is not paid by percentage fixed by bylaw of the municipality he shall be paid for such

collections a sum not exceeding two and one-half per centum. No. 8 of 1897, s. 255; No. 26 of 1898, s. 1 (39, 40).

Secretary-treasurer and assessor officers of court

244. The secretary-treasurer and assessor of the corporation shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties hereby imposed on them. No. 8 of 1897, s. 256.

EXPROPRIATION OF LANDS.

Expropriation of lands

245. The council of every municipality shall make to the owners or occupiers of or other person interested in lands entered upon, taken or used by the corporation in the exercise of its powers due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work and any claim for such compensation if not mutually agreed upon shall be determined by arbitration under this Ordinance. No. 8 of 1897, s. 257.

Corporations or guardians, etc., may act

246. In the case of real property which a council has authority under this Ordinance to enter upon, take or use without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those they represent whether infants unborn, lunatics, idiots, married women or others have power to act as well in reference to any arbitration, notice and action under this Ordinance as in contracting for and conveying to the council any such lands or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof. No. 8 of 1897, s. 258.

Appointment of representative where no person to act

247. In case there be no such person who can so act in respect of such lands or in case any person interested in respect to any such lands is absent from the Territories or is unknown or in case his residence is unknown or he himself cannot be found a judge may on application of the council appoint a person to act in respect to the same for all or any of the said purposes. No. 8 of 1897, s. 259; No. 26 of 1898, s. 1 (41).

Payment of amount awarded and interest

248. In case any person acting as aforesaid has not the absolute estate in the property the council shall pay to him legal interest on the amount to be paid in respect of such property and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor unless a judge in the meantime directs the council to pay the same to any person or into court; and the council shall not be bound to see to the application of

any interest so paid or of any sum paid under the direction of such court. No. 8 of 1897, s. 260; No. 26 of 1898, s. 1 (41).

Sums awarded subject to incumbrance as land

249. All sums agreed upon or awarded in respect of such real property shall be subject to the limitations and charges to which the property was subject. No. 8 of 1897, s. 261.

Council may make tender of damages

250. The council of any municipality in all cases where claims for compensation or damages are made against them which under the provisions of this Ordinance are declared to be the subject of arbitration in the event of the parties not being able to agree, may cause such amount to be tendered to the person making such claim as they may consider proper compensation for the damage sustained or lands taken and in the event of the nonacceptance by the claimant or claimants of the amount so tendered and the arbitration being proceeded with and if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the corporation and set off against any amount which shall have been awarded against them. No. 8 of 1897, s. 262.

Disputes to be settled by arbitration

251. In any case where a dispute arises between two municipalities or between a person and a municipality involving a claim for the payment of money or damages or between two or more parties for the surplus money in the hand of a municipality in cases where property distrained for the payment of taxes has been sold for more than the amount of taxes and costs either party to the dispute may require that the same be settled by arbitration. No. 8 of 1897, s. 263.

Appointment of arbitrators

252. In cases where arbitration is authorised either party may appoint an arbitrator and give notice thereof in writing to the other party calling upon him to appoint an arbitrator on his behalf and a notice to a municipality shall be given to the mayor or reeve thereof. No. 8 of 1897, s. 264.

Appointment in writing or by bylaw

253. The appointment of all arbitrators shall be in writing under the hands of the appointers or in case of a municipality by a bylaw of the council and the two arbitrators appointed by or for the parties shall within seven days from the date of the appointment of the last named arbitrator appoint in writing a third. No. 8 of 1897, s. 265.

Each party interested may appoint arbitrator

254. Where more than two parties are interested each of them shall appoint an arbitrator and if there be an even number of arbitrators the arbitrators so appointed shall appoint another arbitrator or in default at the expiration of twenty-one days after the last of such arbitrators has been appointed the Lieutenant Governor in Council may on application of any one of the parties interested appoint such arbitrators. No. 8 of 1897, s. 266; No. 26 of 1898, s. 1 (42).

Omission or neglect to appoint. Lieutenant Governor may appoint

255. In case of neglect or refusal of any party to appoint an arbitrator when notified to do so or in case of two parties appointed and being unable to agree upon a third the Lieutenant Governor in Council shall upon application of any one of the parties interested in such arbitration appoint a party or parties to act for and on behalf of the party so refusing or a third arbitrator as the case may be. No. 8 of 1897, s. 267 : No. 26 of 1898, s. 1 (42).

Appointment of arbitrator for municipality

After appointment by adverse party

256. In case of an arbitration between a municipality and the owners or occupiers of or other persons interested in real property entered upon, taken or used by the municipality in the exercise of any of its powers or injuriously affected thereby if after the passing of the bylaw any person interested in the property appoints and gives due notice to the mayor or reeve of the municipality of his appointment of an arbitrator to determine the compensation to which such person is entitled the mayor or reeve shall if authorised by bylaw within seven days appoint a second arbitrator and give notice thereof to the other party and shall express clearly in the notice what powers the council intends to exercise with respect to the property describing it. No. 8 of 1897, s. 268.

Council may name arbitrator

Other party then to appoint one

257. In such last mentioned arbitration if, after service upon the owner or occupier of or person so interested in the property of a certified copy of the bylaw, the owner or occupier or person so interested omits for twenty-one days to name an arbitrator and give notice thereof as aforesaid the council or the mayor or reeve if authorised by bylaw may name an arbitrator on behalf of the council and give notice thereof to the owner, occupier or a person so interested and the latter shall within seven days thereafter name an arbitrator on his behalf. No. 8 of 1897, s. 269.

Meeting of arbitrators

258. Within ten days after the appointment of the third arbitrator the arbitrators appointed shall meet to hear and determine the matter referred to them. No. 8 of 1897, s. 270.

Award to be made within a month

259. In any of the cases hereinbefore provided the arbitrators shall make their award within one month after the appointment of the third arbitrator. No. 8 of 1897, s. 271.

No municipal officer can be arbitrator

260. No member, officer or person in the employment of any municipality interested in any arbitration shall be appointed to act as such arbitrator. No. 8 of 1897, s. 272.

Oath

261. Every arbitrator before proceeding to try the matter of the arbitration shall take and subscribe the following oath before any justice of the peace or notary public :

I, *A. B.*, do swear that I will well and truly try the matters referred to me by the parties and a true and impartial award make in the premises according to the evidence to the best of my skill and knowledge. So help me God. No. 8 of 1897, s. 273.

Evidence on oath

262. All evidence taken by any court of arbitration under this Ordinance shall be taken on oath; any arbitrator is hereby empowered to administer the same. No. 8 of 1897, s. 274.

Award by majority

263. A majority of the arbitrators so appointed shall make the award and a copy thereof shall be furnished to each of the parties interested in the matter referred to arbitration. No. 8 of 1897, s. 275.

Arbitrators' fees

264. The arbitrators shall have power to award the payment of a fixed sum by any of the parties to the other for the costs of the arbitration or of any portion thereof including fees for their own services as follows:

For every meeting where the cause is not proceeded with but an enlargement or postponement is made at the request of any party, to each arbitrator not exceeding	$ 2 00
For every day's sitting to consist of not less than six hours, to each arbitrator not exceeding	10 00
For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied in such proceedings to each arbitrator not exceeding	2 00

No. 8 of 1897, s. 276.

Notes of evidence, Documents

265. Full notes of the evidence taken by arbitrators under this Ordinance shall be made and together with any documents submitted in proof of any allegations made on behalf of parties interested shall be retained by the chairman of the arbitration or until an order is issued by a judge to produce the same in case of an appeal from the decision of the arbitrators. No. 8 of 1897, s. 277.

Award to be in writing

Appeal

266. Every award under this Ordinance shall be in writing and under the hands of all or a majority of the arbitrators and shall be subject only to an appeal to the Supreme Court. No. 8 of 1897, s. 278.

Powers of court

267. An award made by arbitrators under this Ordinance may be referred back by the Supreme Court for amendment or for additional evidence or may be set aside on questions of law but not on questions of fact. No. 8 of 1897, s. 279.

APPLICATIONS TO QUASH BYLAWS.

Quashing bylaws, orders and resolutions

268. In case a resident of a municipality or any other person interested in a bylaw, order or resolution of the council thereof applies to a judge and produces a certified copy of the bylaw, order or resolution and shows by affidavit that the same was received from the secretary-treasurer and that the applicant is resident or interested as aforesaid the judge after at least ten days from service on the municipality of a rule to show cause in this behalf may quash the bylaw, order or

resolution in whole or in part for illegality and according to the result of the application award costs for or against the municipality. No. 8 of 1897, s. 235.

Application within two months

269. No application to quash or annul any such bylaw, order or resolution in whole or in part shall be entertained by any judge unless such application is made within two months from the final passing of such bylaw, order or resolution. No. 8 of 1897, s. 236.

Passage procured by corrupt practices

270. Any bylaw the passage of which has been procured through or by means of any corrupt practices as defined by this Ordinance shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained. No. 8 of 1897, s. 237.

Judge may order inquiry

271. Before determining any application for the quashing of a bylaw upon the ground that the passing of the same has been procured by means of any corrupt practices as defined by this Ordinance and if it is made to appear to a judge that probable grounds exist for a motion to quash such bylaw the judge may thereupon make an order for an inquiry to be held upon such notice to the parties affected as the judge may direct concerning the said grounds, before himself or whom he may appoint to conduct such inquiry, and require that upon such inquiry all witnesses both against and in support of such bylaw be orally examined and crossexamined upon oath; and

Proceedings on inquiry

the said judge upon the taking or return of said evidence as the case may be may upon notice to such of the parties concerned as he thinks proper proceed to hear and determine the question and if the grounds therefor appear to him to be satisfactorily established he may make an order for quashing said bylaw and order the costs attending such proceedings to be paid by the parties or any of them who have supported said bylaw; and if it appears that the application to quash said bylaw ought to be dismissed the said judge may so order and in his discretion award costs to be paid by the persons applying to quash said bylaw. No. 8 of 1897, s. 238.

Subsequent proceedings

Costs

Proceedings on bylaw stayed

272. After an order has been made by a judge directing an inquiry and after a copy of such order has been left with the secretary-treasurer of the municipality of which the bylaw is in question, all further proceedings upon the bylaw shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the judge he may remove the stay of proceedings. No. 8 of 1897, s. 239.

Limitation and notice of action on illegal bylaw

273. In case a bylaw, order or resolution is illegal in whole or in part and in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention

to bring action has been given to the municipality and every such action shall be brought against the municipality alone and not against any person acting under the bylaw, order or resolution. No 8 of 1897, s. 240.

Tender of amends

Costs

274. In case the municipality tenders amends to the plaintiff or his advocate, if such tender is pleaded and (if traversed) proved and if no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant and set off against the verdict and the balance due to either party shall be recovered as in ordinary cases. No. 8 of 1897, s. 241.

Setting aside for corrupt practices

275. No bylaw shall be set aside for corrupt practices provided the passage thereof was not effected by such corrupt practices. No. 8 of 1897, s. 242.

OATHS OF OFFICE AND QUALIFICATION.

Oaths and declarations of property qualifications

276. Every person elected or appointed under this Ordinance to any office requiring a qualification of property shall before he takes the oath of office or enters on his duties make and subscribe an oath to the following effect:

I, do swear that I am a British subject; that I had at the time of my election or appointment to the office of in the municipality of (*as the case may be*) and still have in my own right such an estate as does qualify me to act in the said office and that such estate is (*naming the nature of it*) and is of the value of dollars over and above all charges, liens, and incumbrances affecting the same.

(*Signature*) *A.B.*

No. 8 of 1897, s. 280.

Oath of office

277. Every member of the council, secretary-treasurer, assessor and constable shall before entering on the duties of his office, make and subscribe an oath to the following effect:

I, , do swear that I will truly, faithfully and impartially to the best of my knowledge and ability execute the office of to which I have been elected or appointed (*as the case may be*) in the municipality of and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the said office and that I have not myself or on behalf of any other person either directly or indirectly any interest in any contract with or on behalf of the said municipality. No. 8 of 1897, s. 281: No. 26 of 1898, s. 1 (43).

Oath of auditors

278. Every auditor before acting as such shall take the following oath:

I, , having been appointed auditor for the municipality of do swear that I will faithfully perform the duties of such office according to the best of

my judgment and ability and that I had not either directly or indirectly any share or interest whatever in any contract with, by or on behalf of such municipality during the year preceding my appointment (except as auditor, *if such be the case*) and that I have not any contract with the said municipality except that of auditor for the present year. No. 8 of 1897, s. 282.

Oath of office, how to be taken

279. Every member of the council and the subordinate officers of the municipality shall take the oaths of office and qualification before some justice of the peace or notary public not being a member of the council and the justice of the peace or notary public shall give the necessary certificate of the same having been duly made and subscribed. No. 8 of 1897, s. 284.

PENAL CLAUSES.

Penalties

280. If the secretary-treasurer fails to furnish ballot boxes in manner herein provided he shall incur a penalty of $100 for every ballot box which he has failed to furnish in the manner prescribed. No. 8 of 1897, s. 285.

281. Any person who:

(*a*) Without due authority supplies any ballot paper to any person; or

(*b*) Fraudulently puts into the ballot box any paper other than a ballot paper which he is authorised to put in; or

(*c*) Fraudulently takes out of the polling place any ballot paper; or

(*d*) Without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballots then in use for the purposes of the election:

shall be guilty of an offence and on summary conviction thereof be liable to a fine not exceeding $200 and costs of prosecution. No. 8 of 1897, s. 286; No. 26 of 1898, s. 1 (44).

Offences at elections

282. Any deputy returning officer, poll clerk, candidate or agent who interferes or attempts to interfere with any voter in marking his ballot or who marks or causes to be marked a ballot paper so as to defeat the intentions of the voter or who at any time communicates any information he may be possessed of as to the candidate or candidates for whom any vote has been given or who induces any person to display his ballot paper so as to make known to himself or to any other person the manner in which he has voted or for or against whom he has marked his ballot paper shall on conviction thereof in a summary way before two justices of the peace be liable to a fine not exceeding $400 and costs of prosecution or imprisonment not exceeding one year or both. No. 8 of 1897, s. 287.

Neglect of duty

283. If any officer of the municipality refuses or neglects to perform any duty required of him by this Ordinance he shall on conviction thereof be fined in a sum not exceeding $100. No. 8 of 1897, s. 288.

Penalties, how to be recovered

284. Every fine and penalty imposed by or under the authority of this Ordinance may, unless where other provision is specially made therefor, be recovered and enforced with costs of prosecution on summary conviction before any justice of the peace for the North-West Territories notwithstanding such justice may be a member of the council or a ratepayer in the municipality interested in such prosecution; and all such fines and penalties when recovered shall form part of the general fund of the municipality wherein the same is imposed. No. 8 of 1897, s. 289.

INFRACTION OF BYLAWS. PENALTIES.

Bylaws providing penalties for offences

285. The council of every municipality may pass bylaws for inflicting reasonable fines and penalties not exceeding $100 exclusive of costs for breach of any of the bylaws of the municipality and for inflicting reasonable punishment by imprisonment with or without hard labour either in the lock-up house of the municipality or in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the cost of committal are sooner paid; except for breach of any bylaw or bylaws passed for the suppression of houses of ill-fame for which the imprisonment may be for any period not exceeding six months in case of the nonpayment of the fines and costs unless such fines and costs including costs of committal are sooner paid. No. 8 of 1897, s. 291.

ACTIONS AGAINST MUNICIPALITIES.

Actions against municipalities

286. In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in the public highway, street or bridge placed, made, left or maintained by any corporation or by any person other than a servant or agent of the municipal corporation the last mentioned corporation shall have a remedy over against the other corporation or person for, and may enforce payment accordingly of the damages and costs with any which the plaintiff in the action may recover against the municipal corporation:

Remedy over

Provided nevertheless that the municipal corporation shall only be entitled to the said remedy over if the other corporation or person shall be made a party to the action and if it shall be established in the action as against the other corporation or person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by the other corporation or person; and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof, if the same is not already a defendant in the action jointly with the municipal corporation, and the other corporation or person may defend such action as well as the plaintiff's claim as against the claim of the municipal corporation to a remedy over; and the court or judge upon the

trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases. No. 8 of 1897, s. 292.

Tender or payment into court

287. The council of any municipality upon any claim being made or action brought for damages for alleged negligence on the part of the municipality may tender or pay into court, as the case may be, such amount as they may consider proper compensation for the damages sustained and in the event of the nonacceptance by the claimant of such tender or the amount paid into court and the action being proceeded with and a verdict being obtained for no greater amount than the amount so tendered or paid into court the cost of suits shall be awarded to the defendants and set off against any verdict which shall have been obtained against them. No. 8 of 1897, s. 293.

SCHEDULE.

FORM A.

NOTICE FOR NOMINATION AT ELECTIONS.

NOTICE.

Municipality of

Public notice is hereby given that a meeting of the electors of the municipality aforesaid will be held at (*description of place*) on (*day of week*) the day of 1 , from ten of the clock until noon of the said day for the purpose of nominating candidates for the offices of mayor (*or* reeve) and councillors for the said municipality for the next ensuing year.

Dated under my hand at this day of 1 .

G. H.,
Returning Officer.

FORM B.

POLLING NOTICE AT ELECTIONS.

NOTICE.

Municipality of

Public notice is hereby given to the electors of the municipality aforesaid that a poll has been granted for the election now pending for the said municipality and that such poll will be open on (*here insert same day of the week as for nomination of the next following week*) the day of 1 , from the hour of nine of the clock in the morning till five of

the clock in the afternoon at (*describe the polling station or as the case may be*) in each of the following polling divisions that is to say:

For the polling division No. 1 (*or other designation*) consisting of (*or* bounded as follows *or otherwise describing it clearly*) at (*describing the polling station and so continuing for all the other polling divisions and stations in the municipality*).

And that I will at (*describe the place*) on (*day of the week*), the day of 1 , at o'clock in the noon sum up the votes and declare the result of the election.

Given under my hand at this day of 1 .

G. H.,
Returning Officer.

FORM C.

BALLOT PAPER.

Election of the Council for the Municipality of Ward No. (*if for a Ward*), Polling Division No. (*if divided into polling divisions*) day of 1 .

FOR MAYOR (OR REEVE.)			FOR COUNCILLORS.							
Bull.	Jones.	Smith.	Adam.	Brown.	Campbell.	Hamilton.	Perley.	Richardson.	Swinford.

N.B.—This form to be adapted to circumstances.

FORM D.

Direction for Guidance of Voters.

The voter will go into one of the apartments provided and with a pencil make a cross opposite the name or names on the right hand side of the ballot paper of the party or parties for whom he wishes to vote, thus **X**.

If the voter votes for more candidates than he is by law entitled to vote for his ballot paper will be void unless he discovers the fact before the same is deposited in the ballot box when he can obtain a new one from the returning officer.

If the voter inadvertently spoils a ballot paper he can obtain a new one on satisfying the returning officer of the fact.

If the voter places any mark on the ballot paper by which he will be afterwards identified his ballot paper will be void.

The voter after he has made the cross **X** opposite the name or the names of the party or parties for whom he wishes to vote shall fold up his ballot paper so as to show the initials of the deputy returning officer on the back thereof but so as to conceal the manner in which he has voted and shall deliver the same to the deputy returning officer and shall forthwith quit the polling place

FORM E.

Voters' List.

Column for mark indicating the voter has voted.	Names of voters in alphabetical order.	Short description of property qualification.	Whether O. H. or T.	Objections.	Sworn.	Refusal to swear.	Remarks.

FORM F.

Assessment Roll for year 1 , Municipality of

No. of assessment.	The names in full if the same can be ascertained, of all taxable persons who have taxable property or income within the Municipality, and the name of the owner when the occupant is not the owner.	Post office address.	Ow. (owner), Occ. (occupant), Inc. (income.)	The description in full and extent or amount of property against each taxable person or any interest which is liable to assessment, showing section, township and range, or lot and block, or other local description.	The actual cash value of each parcel or lot of real property, or the interest therein of the taxable person.	Total value of improvements thereon.	Cash value of personal property.	Taxable income.	Total assessment of real and personal property and income.	Age of taxable person.	Number of acres assessed.	Number under cultivation.	Religion.	Total number in family.	Cattle.	Sheep.	Horses.	Hogs.	Dogs.	Date of assessment.	Value of property exempt from taxation.	Date of delivery or posting of notice.

FORM G.

Transfer of Land on Sale for Taxes.

I of the in the North-West Territories, secretary-treasurer of the municipality of by virtue of the authority vested in me by *The Municipal Ordinance* to sell lands for arrears of taxes do hereby in consideration of the sum of dollars paid to me by of being the price for which the said land was sold at a sale by me on the day of 1 for arrears of taxes due on said land to the said municipality, transfer to the said ALL THAT piece of land being

In witness whereof I have hereunto set my hand and the seal of the said municipality this day of 1

Signed by the above named }
in presence of }

Affidavit of witness to be indorsed on transfer.

CANADA.
North-West Territories. }
To wit : } I
of (*residence*)
in the North-West Territories,
(*occupation*) make oath and say :

1. I was personally present and did see named in the within instrument who is personally known to me to be the person named therein, he being the secretary-treasurer of the municipality of duly sign and execute the within instrument for the purposes named therein ;

2. That the said instrument was executed at in the said Territories; and that I am the subscribing witness thereto.

3. That I personally know the said and he is in my belief of the full age of twenty-one years.

Sworn before me at
in the North-West Territories
this day of.
1

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[1]

1899

CHAPTER 15

An Ordinance to amend Chapter 70 of the Consolidated Ordinances 1898, intituled "An Ordinance respecting Municipalities."

[*Assented to April 29, 1899.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 114 amended

1. Section 114 of *The Municipal Ordinance* is hereby amended by adding thereto the following subsection:

"(2) The auditor shall forthwith transmit a copy of such report to the Territorial treasurer."

Section 121 amended

2. Section 121 of the said Ordinance is hereby amended by adding thereto the following clause:

Hospitals exempted from taxation

"17. Buildings used by any institution mentioned in the schedule to *The Hospitals Ordinance* or added thereto under section 9 thereof for hospital purposes and not for any other purpose for hire or reward and the lot or lots whereon they stand not exceeding two acres, except such part as may have any other buildings thereon."

Taxation of townsite in rural municipality for local improvements

3. The council of a rural municipality, any portion of which consists of a registered townsite may for the purpose of making improvements for the benefit of such townsite pass bylaws within the powers of the municipality for contracting debts by borrowing money or otherwise and providing for the payment of such debts after the financial year in which such bylaw is passed but not more than twenty years after the bylaw takes effect, by rates to be levied upon the ratable property within such townsite (not theretofore exempted by the municipality from general taxation) but such debts shall not exceed ten per cent. of the assessed value of the ratable property within such townsite less the amount of any existing indebtedness of the municipality which according to the proportion which the ratable property in the townsite bears to the ratable property in the municipality (both according to the last revised assessment roll) would be leviable upon the ratable property in such townsite.

Assent to bylaws

4. Bylaws under the next preceding section shall before the final passing thereof receive the assent of two-thirds of the

duly qualified ratepayers voting thereon in the manner hereinafter mentioned.

Contents of bylaw

5. The bylaw shall recite—

1. The amount of the debt which the bylaw is intended to create and, in general terms, the object for which it is to be created ;

2. The time or times for repayment (whether by instalments or otherwise);

3. (*a*) The amount of the whole ratable property in the municipality according to the last revised assessment roll ;

(*b*) The amount of the whole ratable property, according to the last revised assessment roll, in the portion of the municipality to be affected by such bylaw.

4. (*a*) The total amount of the existing debt of the municipality outside of the debt due for the current expenses of the year ;

(*b*) The total amount of any existing debt payable by rates limited to such townsite.

Date of effect of bylaw

(2.) The bylaw shall state a day not more than three months from the day on which the voting is to take place when the bylaw shall take effect, and the whole of the obligations to be issued for the debt authorised shall be dated as of the day on which the bylaw takes effect.

Date of obligations

Provisions to be followed

6. The provisions of sections 219, 220, 221, 222, 223, 224, 225, 227, 228, 229 and 230 of *The Municipal Ordinance* shall apply to any such bylaw and to the voting thereon except that for the purposes of such vote the word "municipality" shall be deemed to be struck out of section 227 and the words "the portion of the municipality of consisting of (*describing the portion in question*)" substituted, and the figures "$400" shall be deemed to be struck out and "$100" substituted.

Persons entitled to vote

7. There shall be entitled to vote on any such bylaw every ratepayer being a man, unmarried woman or widow who at the time of tendering the vote is of the full age of twenty-one years and is named on the last voters' list of the municipality and who has neither directly or indirectly received nor is in expectation of receiving any reward or gift for the vote which he tenders and who is at the time of the tender a freeholder in his own right or whose wife is a freeholder of real property within the portion of the municipality composing such townsite and is rated on the last revised assessment roll as such freeholder for not less than $100.

Execution rate limited

8. In the event of judgment being obtained against the municipality for principal or interest due on any debenture issued under any such bylaw and execution issued thereon, the

rate to be levied to pay such execution shall be limited to the ratable property in such townsite.

Exemption how granted

9. No exemption from any rate for payment of such debenture shall be granted for more than one year except by the vote of the ratepayers in the portion of the municipality affected thereby.

1900

CHAPTER 23

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Municipalities."

[*Assented to May 4, 1900.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 10 of *The Municipal Ordinance* is hereby amended by striking out the words "sheriff, deputy sheriff, sheriff's bailiff or" where they occur therein. Section 10 amended

2. Section 95 of the said Ordinance is hereby amended as follows: Section 95 amended

1. By adding to clause 3 the following words "or to boards "of trade or incorporated mechanics and literary institutes "within the municipality."

2. By repealing clause 9 and substituting therefor the following:

"9. Providing for planting and protecting trees on highways and other public places."

3. By adding to clause 19 the following words "and also "providing for and regulating the size and number of fire "escapes for buildings more than two stories in height."

4. By repealing clause 53 and substituting therefor the following:

"53. Prohibiting the discharge of firearms or other explosives in the municipality or in any part of the municipality comprised in any registered townsite."

5. By inserting the word "maintenance" after the word "erection" where it occurs in clause 55.

6. By adding the following words to clause 75:

"Provided however that the sale of any impounded animal as provided for in section 28 of *The Pound District Ordinance* may be held at such place in the municipality as may be designated by bylaw."

3. Section 108 of the said Ordinance is hereby amended by adding thereto at the end thereof the following words "and "the secretary-treasurer may also be appointed assessor." Section 108 amended

Clause 12 of Section 121 repealed

4. Clause 12 of section 121 of the said Ordinance is hereby repealed.

Section 285 amended

5. Section 285 of the said Ordinance is hereby amended by striking out the words "with or without hard labour" where they occur therein.

1901

CHAPTER 23

An Ordinance to amend Chapter 70 of the Consolidated Ordinances 1898 intituled "An Ordinance respecting Municipalities."

[*Assented to June 12, 1901.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Sections 47 to 53 inclusive of *The Municipal Ordinance* are hereby repealed. Sections 47 to 53 repealed

2. Clause 22 of section 95 of the said Ordinance is hereby amended: Clause 22 of Section 95 amended

1. By inserting after the word "contracting" where it first occurs therein the following words, "subject to ratification by the ratepayers as provided in Part V of this Ordinance in the case of bylaws for creating debts," and

2. By striking out the word "ten" where it first occurs therein and substituting therefor the word "twenty."

3. Clause 40 of said section 95 is hereby amended by adding at the beginning thereof the words "Making loans or." Clause 40 of section 95 amended

4. Section 109 of the said Ordinance is hereby amended by striking out the word "before" where it occurs therein and substituting therefor the words, "within one month after." Section 109 amended

5. Section 128 of the said Ordinance is hereby amended by striking out the words "and statement attached" where they occur therein. Section 128 amended

6. Section 201 of the said Ordinance is hereby amended by inserting after the word "effect" where it secondly occurs therein the words, "upon confirmation of the sale by a judge." Section 201 amended

7. Section 202 of the said Ordinance is hereby amended by striking out all of the words therein after the word "Crown" where it secondly occurs therein and substituting therefor the following subsection: Section 202 amended

(2) After the expiration of one year from the date of any such transfer the sale and transfer may be set aside only upon its being shown either:

1. That there has been fraud or collusion; or
2. That all taxes have been paid; or
3. That the land was not liable to assessment.

Section 215 amended

8. Section 215 of the said Ordinance is hereby amended by inserting after the word "for" where it first occurs therein the words "making loans or."

Section 218 amended

9. Section 218 of the said Ordinance is hereby amended by adding thereto the following proviso:

"Provided that the form of the said debenture may be so amended as to permit of each instalment of principal and interest being equal if the bylaw provides for repayment in equal instalments of principal and interest."

Section 230 repealed

10. Section 230 of the said Ordinance is hereby repealed; and no bylaw referred to in the said section heretofore passed shall require the assent of the Lieutenant Governor in Council if such assent has not already been given.

ERECTION OF VILLAGES INTO TOWNS.

Census may be taken

11. A census of any village may at any time be taken under the authority of a resolution of the ratepayers passed at the annual village meeting or at any other meeting of the ratepayers specially called for that purpose.

Necessary population for incorporation as town

12. In case it appears by the census returns taken under such bylaw or any statute that the village contains over four hundred inhabitants the village may be erected into a town municipality subject to the provisions hereinafter contained.

Resolution of village

13. No village shall be erected into a town municipality unless and until a resolution has been approved by two-thirds of the ratepayers voting thereon at a meeting specially called for the purpose.

(2) The said resolution shall state limits of the proposed town which may include additional lands adjacent to the village.

Notice to be posted

14. The overseer of the village shall upon the passing of such resolution post up a notice in five public places in the village and insert the same in two consecutive issues of the official gazette and in four consecutive weekly issues of a newspaper published in or nearest to the village setting forth in the notice the intention of the overseer to apply on behalf of the village to the Lieutenant Governor for the erection of the village into a town municipality and stating the limits intended to be included therein.

Proclamation erecting village into a town

15. At any time not less than one month nor more than two months after the last publication of the said notice the overseer may apply to the Lieutenant Governor for the erection

of the village into a town municipality and shall with the application furnish satisfactory proof of the census, resolution and publication and posting of notice aforesaid and thereupon the Lieutenant Governor may by proclamation erect the village into a town municipality by a name to be given thereto in the proclamation.

Lands not included in village may be added

16. The Lieutenant Governor may include in the new town any lands not included in the village but adjacent thereto and within the limits mentioned in the aforesaid notice.

Municipal Ordinance to apply

17. From and after the erection of any village into a town municipality as hereinbefore provided all of the provisions of the said Ordinance applying to town municipalities shall apply thereto.

First election

18. The Lieutenant Governor may in his proclamation hereinbefore mentioned appoint a returning officer to hold the first election of mayor and councillors for the town municipality and for the purposes of such election the provisions of *The Municipal Ordinance* as to elections generally shall as far as they are applicable also apply and the mayor and council elected at such election shall hold office for the remainder of the then current year unless such election should be after the first day of November in which event they shall hold office till the end of the next following year.

Qualification of voters

19. The persons qualified to vote at the first election of mayor and councillors shall be all owners or occupants of land within the limits of the town municipality of the full age of twenty-one years who have owned or occupied such land for a period of at least three months prior to such election but before being allowed to vote each voter shall make and subscribe before the returning officer a declaration in the form A in the schedule hereto.

Penalty for false declaration

20. Any person signing a declaration mentioned in the next preceding section containing a false statement shall be guilty of an offence and liable on summary conviction to a fine not exceeding $50 and costs.

Returning officer to be secretary-treasurer

21. The returning officer shall be the secretary-treasurer for the said town municipality and shall hold office until his successor is appointed by the council.

Overseer to deliver property to secretary-treasurer

22. All books, accounts, records, lists, vouchers, moneys, and all other property of the village together with the auditor's report required by *The Village Ordinance* shall forthwith on demand of the secretary-treasurer be delivered by the person last holding office as overseer of the said village to the said secretary-treasurer who shall for the purpose of receiving the said books, accounts, records, vouchers, moneys and other property be deemed to be the successor in office of such overseer.

Certain provisions of Village Ordinance to be bylaws

23. All provisions of *The Village Ordinance* and amendments respecting the prevention of disease and fire, billiard and dog licences, licensing travelling showmen and entertainers, hawkers and pedlers and animals running at large and all regulations made thereunder having force and effect in the village at the date of its erection into the town municipality, all provisions for the collection of such licence fees and all penalties for the infraction of any of the said provisions or regulations shall continue in full force in the town municipality as bylaws of the said town municipality until amended or repealed by bylaws passed by the council.

Village taxes to be paid to town

24. All taxes due to the village shall on its erection into a town municipality be deemed to be arrears of taxes due to such municipality and the provisions of the said Ordinance relating to arrears of taxes and the collection thereof shall apply thereto.

Suits and rights of actions and liabilities continued

25. All suits and rights of action by or against the village shall after its erection into the town municipality be continued or maintainable by or against the town municipality and all debts and liabilities of the village be assumed and paid by the town municipality.

Title to property of village to pass to town

26. The title to and all rights in respect of any real estate or other property of the village shall be vested in the town municipality upon the erection of the village into a town municipality.

Ordinance to be read with Municipal Ordinance

Short title

27. This Ordinance shall be read with and form part of *The Municipal Ordinance* and may be cited as *The Municipal Amendment Ordinance* 1901.

SCHEDULE.

Form A.

I, *A.B.*, hereby declare that I am of the full age of twenty-one years and have owned or occupied land situate within the limits of the town of.....for a period of at least three months immediately prior to the date of this election.

.....
Voter

.....
Returning Officer.

1902

CHAPTER 9

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898, intituled "An Ordinance Respecting Municipalities."

[*Assented to April 19, 1902.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 22 of *The Municipal Ordinance* is hereby amended by striking out the words "duly qualified" where they secondly occur therein. Sec. 22 amended

2. Section 23 of the said Ordinance is hereby amended by striking out the word "such" where it first occurs therein. Sec. 23 amended

3. Clause 6 of Section 40 of the Ordinance is hereby amended by striking out the words "poll book" where they occur therein and substituting therefor the words "voters' list." Sec. 40 amended

4. Section 90 of the said Ordinance is hereby amended: Sec. 90 amended

1. By striking out the figures "1.50" where they occur therein and substituting therefor the figures "3.00;" and

2. By striking out the figures "12" where they occur therein and substituting therefore the figures "15."

5. Clause 70 of section 95 of the said Ordinance is hereby amended by inserting after the word "town" where it first occurs therein the words "for obtaining gravel or." Sec. 95 amended

6. Section 108 of the said Ordinance is hereby amended by striking out the words "as soon as possible after the beginning "of each year" where they occur therein. Sec. 108 amended

1903

(First session)

CHAPTER 18

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Municipalities."

[*Assented to April 25, 1903.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 121 of *The Municipal Ordinance* is hereby amended: Section 121 amended

1. By repealing clause 1 thereof and substituting therefor the following:

"1. All property held by His Majesty or for the public use of the Territories."

2. By repealing clause 3 thereof and substituting therefor the following:

"3. Where any person is occupant of or interested in any property mentioned in either of the two preceding clauses otherwise than in an official capacity such occupant or person interested shall be assessed in respect thereof but the property itself shall not be liable beyond the interest of the person assessed."

3. By striking out the figures "600" where they occur in clause 13 thereof and substituting therefor the figures "1000."

2. This Ordinance shall apply to assessments for the year 1903. Application of Ordinance

1903

(First session)

CHAPTER 19

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting Municipalities."

[*Assented to June 19, 1903.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 9 amended

1. Section 9 of *The Municipal Ordinance* is hereby amended by adding thereto the following subsection :

"(2) In the case of an election held before the preparation and revision of an assessment roll the provisions of this section requiring the candidates for election to be rated on the assessment roll shall not apply."

Section 95 amended

2. Section 95 of the said Ordinance is hereby amended by adding thereto the following paragraph :

Disposition of not required property

"76. Disposing of or devoting to some other municipal purpose in whole or in part any property acquired by the municipality for a specific purpose when such property is in the opinion of the council no longer required or not required for the time being for the purpose for which it was originally acquired or to which it has been subsequently devoted."

New subsection 2 section 118

3. Subsection 2 of section 118 of the said Ordinance is hereby repealed and the following substituted therefor :

Income assessment

"(2) No person deriving an income from any source whatsoever not declared exempt by this Ordinance shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past in excess of the amount of any exemption under this Ordinance and such last year's income in excess of such exemption, if any, shall be held to be his net personal property unless he has other personal property liable to assessment in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment."

Section 13 Municipal Amendment Ordinance 1901 amended

4. Section 13 of *The Municipal Amendment Ordinance 1901* is hereby amended by adding thereto the following subsection :

"(3) The voting on the said resolution shall be held in the same manner as the voting for election of overseer."

Section 18 amended

5. Section 18 of the said last mentioned Ordinance is hereby amended by striking out all the words thereof after the word "apply" where it occurs therein.

(2) This section shall be read as if it had been passed on the first day of January, 1903.

1903

(Second session)

CHAPTER 22

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Municipalities."

[*Assented to November 21, 1903.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 95 of *The Municipal Ordinance* as amended is hereby further amended— Section 95 amended

1. By inserting in the first proviso of paragraph 75 thereof after the word "passed" where it first occurs in said proviso the words "by the council of any rural municipality" and

2. By adding thereto the following paragraph:

"77. For defining localities or districts within the municipality within the limits of which no livery, boarding or feed stable shall thereafter be established."

2. Section 18 of *The Municipal Amendment Ordinance* 1901 is hereby repealed and the following substituted therefor: New section 18 c. 23 of 1901

"**18.** The Lieutenant Governor may in his proclamation hereinbefore mentioned appoint a returning officer to hold the first election of mayor and councillors for the town municipality. First election

"(2) The persons eligible for election as mayor and councillors shall be all male and British subjects of the full age of twenty-one years, able to read and write, resident within or within two miles of the limits of the municipality, the owner at the time of the election of freehold real estate within the municipality of the value of at least $500, or leasehold real estate within the municipality of the value of at least $1,500 over and above all charges, liens and encumbrances affecting the same.

"(3) The persons qualified to nominate candidates for the office of mayor or councillors shall be the persons qualified to vote for such candidates.

"(4) The term of office of the mayor elected at the first election shall if such election be prior to the first day of July be till the end of the then calendar year and if such election be not prior to the first day of July till the end of the then next ensuing calendar year.

"(5) The three candidates first nominated for councillors in the event of there being no poll or the three candidates receiving the highest number of votes in the event of a poll being held shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election according as such election is held prior or not prior to the first day of July and the remaining three candidates elected shall be declared elected for the term ending with the then calendar year or the then next following calendar year according as such election is held prior or not prior to the first day of July.

"(6) In the event of an election being held after the first election but before the preparation and revision of an assessment roll the provisions of this Ordinance as to the first election including the qualification of voters and candidates shall apply."

Elections under c. 23 of 1901 confirmed

3. All elections of mayor and councillors since the first day of January 1903 in towns incorporated under the provisions of the said *The Municipal Amendment Ordinance* 1901 are hereby confirmed and declared to be and to have been at their date legal and valid and the terms of office of such mayor and councillors are declared to be those fixed by this Ordinance for first elections.

Supplying water outside of municipality

4. Any municipality which has a municipal system of waterworks shall have power and authority to supply with water any person or corporation outside the municipality and may exercise all power necessary to the carrying out of any agreement for any term not exceeding five years with such person or corporation for the supply of water.

Subject however to the provision that where such water is to be supplied in another municipality no pipes shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality and subject to the further provision that the right to supply water to such person or corporation shall cease upon any municipality theretofore or thereafter incorporated comprising the area within which such water is supplied undertaking to supply water to such person or corporation.

Bylaws for such purpose confirmed

5. All bylaws heretofore passed and all agreements heretofore made which would have been valid if passed after the coming into force of this Ordinance under the provisions of the next preceding section are hereby ratified and confirmed.

INCORPORATION OF TOWNS IN RURAL MUNICIPALITIES.

Conditions for incorporation of towns in rural municipality

6. The Lieutenant Governor in Council in case it is made to appear that any area not exceeding 1,280 acres included within the limits of a rural municipality contains a population of more than four hundred persons may order a vote of the

ratepayers to be taken on the question of the constitution of the said area as a town municipality and may by the said order name a returning officer to take the said vote.

Notice to be published

7. Notice of the said order shall be given by the returning officer by publication in the same manner as is required to be given by section 14 of *The Municipal Amendment Ordinance* 1901 in the case of the proposed erection of a village into a town municipality.

Contents of notice

8. The said notice shall state—

(*a*) The area of the proposed town;

(*b*) The name approved by the Lieutenant Governor in Council;

(*c*) The date and place for taking the said vote.

Secretary-treasurer to furnish returning officer with copy of assessment roll

9. The secretary-treasurer of the rural municipality shall forthwith on demand by the returning officer furnish him with a certified copy of that portion of the last revised assessment roll of the said municipality containing the names of the men, married women and widows over twenty-one years of age who are assessed upon the last revised assessment roll of the rural municipality for income or personal property within the area of the proposed town for $200 or upwards or who are named upon the said assessment roll as either owners or occupants of real property situate within the area of the proposed town held in their own right or in the case of married men held by their wives for $200 or upwards.

Question to be submitted

10. The question to be submitted at the said vote shall be "For the incorporation" or "Against the incorporation" and such question shall be determined by open voting.

Qualification of voters

11. The persons qualified to vote upon such question shall be the persons whose names appear upon the certified copy of the assessment roll mentioned in section 9.

Returning officer to certify result

12. Upon the close of the poll the returning officer shall certify the result of the poll to the Lieutenant Governor in Council and shall forward with his certificate the certified copy of the assessment roll.

If approved by two-thirds vote town may be incorporated

13. If two-thirds of the votes are in favour of the incorporation of the town the Lieutenant Governor in Council may by proclamation incorporate the town comprising the said area or such less area as he may think fit.

Municipal Ordinance to apply

14. From and after the incorporation of the said town all of the provisions of *The Municipal Ordinance* applying to town municipalities shall apply thereto.

First election

15. The Lieutenant Governor may in his proclamation hereinafter mentioned appoint a returning officer to hold the first election of mayor and councillors for the said town.

[20]

Qualification of mayor, etc.

16. The persons eligible for election as mayor and councillors at such first election shall be any male British subject of the full age of twenty-one years, able to read and write, resident within or within two miles of the limits of the town, the owner at the time of the election of freehold real estate rated in their own names on the last revised assessment roll mentioned in section 9 hereof of the value of at least $500 or of leasehold real estate rated as aforesaid of the value of at least $1,500 over and above all charges, liens and encumbrances affecting the same.

Who may nominate

17. The persons qualified to nominate candidates for the office of mayor or councillors shall be the persons qualified to vote for such candidates.

Term of office of mayor

18. The term of office of the mayor elected at the first election shall if such election be prior to the first day of July be until the end of the then calendar year and if such election be not prior to the first day of July then until the end of the then next ensuing calendar year.

Term of office of councillors

19. The three candidates first nominated for councillors in the event of there being no poll or the three candidates receiving the highest number of votes in the event of a poll being held shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election according as such election is held prior or not prior to the first day of July and the remaining three candidates elected shall be declared elected for the term ending with the then calendar year or the then next following calendar year according as such election is held prior or not prior to the first day of July.

Qualification of voters

20. The persons qualified to vote at the first election of mayor and councillors shall be the persons mentioned in section 11 hereof.

Returning officer to be secretary-treasurer

21. The returning officer shall be the secretary treasurer of the said town and shall hold office until his successor is appointed by the council.

Arrears of taxes

22. All arrears of taxes upon persons or property within the said town shall be payable to the town municipality and may be collected in the same manner as if they had been taxes imposed by the said town

Adjustment of assets and liabilities

23. The Lieutenant Governor in Council may make such order as may seem fit for the adjustment of the assets and liabilities between the said town and the rural municipality.

JOHN ALEXANDER REID, Government Printer for the Territories.